220.

THE HONOURS OF THE Lords Spiritual Asserted: And THEIR PRIVILEDGES To *VOTE* in CAPITAL CASES IN PARLIAMENT

Maintained by

Reason and Precedents.

Collected out of the RECORDS of the TOWER

And the *Journals* of the

HOUSE of LORDS.

Pray for the Peace of Jerusalem, *they shall prosper that love thee, Peace be within thy Walls, and prosperity within thy Palaces.* Psal. 122. ver. 6, 7.

LONDON,

Printed by *Tho. Braddyll*, and are to be Sold by *Robert Clavel* at the *Peacock* in St. *Pauls Church-yard*. 1679.

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TO THE
READER.

TIS not unknown to any in our Engliſh Iſrael, *that there are yet here amongſt us ſome Remainders of the Men of* 42. *and that the Diſeaſe it ſelf ſticks as cloſe to Them, and particularly to ſome eminent Parts of the Nation where they skul, and for the preſent where they make their Refuge (for in the Countries they are more eaſily diſcovered) as the Leproſie did under the Law to the very Walls of the Houſe; and it ſeems to be as hardly removed as that Levitical Diſtemper, which ſome Naturaliſts and Phyſitians ſay cannot be done but only by Blood, and that is the thing which their fingers itch to be at again, Witneſs their late Rebellious Commotions in* Scotland, *which had they taken effect, there would not have been wanting thoſe who would have juſtified them: Nay, I ſpeak what I know, and have heard, did excuſe them, as a poor People Oppreſt; and* You know Oppreſſion makes a Wiſe man Mad, *eſpecially at this time of the year, the* Seaſon being a little Hot. *I muſt confeſs I am no ſtranger to the Men or their ways, having been for many Years laſt paſt, a ſtrict Obſerver of them, though I thank God I have always, and do ſtill from my Heart, Abhor and Deteſt any Confarreation with them, or any the leaſt Approbation of their Actings or Principles; for I have diſcovered ſo much of ill Nature, Cenſoriouſneſs, Covetuouſneſs, Self-ſeeking, and want of Charity in this ſort of Men, that it did always give me a great ſuſpition that their Cauſe was Evil; eſpecially reflecting upon the Means which they made uſe of to carry on their pretended Reformation,* (viz.) *The throwing down of Epiſcopacy, a Government of Gods Church, as Antient in this Nation as Chriſtianity it ſelf; the takeing away, and Aboliſhing the beſt of Liturgies either Ancient or Modern, a juſtified taking up of Arms againſt their Native Soveraign,* the Lords Annointed, *to whom, and to whoſe Anceſtors they and their Fore-fathers had Sworn Allegiance: the Plundering and Deveſting of the Kings moſt faithfull Subjects of their Goods, Eſtates and Lands;*

for their dutiful adherence to the best of Kings who ever raign'd in this our Isle. And lastly the embrewing their Violent, Rebellious, and Wicked hands in His most Sacred Blood: a course which the Moral Heathen would Blush to take, to save its Country ready to be Lost and Ruined; and yet these men in a Bad Cause to pretend Conscience and Religion, which heretofore Conquered the Heathen World, not by resisting though they were able and wanted not Numbers to do it, but by their Sufferings: for these Men I say to pretend Conscience and Religion, Clament Melicerta Perisse--Frontem de rebus. *These are the Men I Confess against whom the following Discourse is aim'd: For I very well know that it lies not in the Power or Wit of these, though they gladly would and do flatter themselves perhaps in this their Folly that they may be able to Cajole any Persons of Loyal Hearts or Principles, to take part with, or appear against the Bishops in the present Controversie: No, Gentlemen believe it, you smell too strong, and you are too well known, and I can never believe the contrary, till I see you perswade them to carry in once more their Plate to Guild-Hall, for the Carrying on Your Unholy Cause; or to shut up their Shops, as you know who did heretofore, and go with you to Releive* Glocester. Atqui parvas spes habet Troja si tales habet.

And so I Refer the Reader to the Perusal of the Book.

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THE HONOURS AND RIGHTS OF THE CLERGY *ASSERTED*: And *PRIVILEDGES* of the BISHOPS To VOTE in Capital CASES in Parliament *VINDICATED*, &c.

CHAP. I.

The Honour of the Priesthood asserted by the Law of Nature and Levitical Law; the Immunities thereof under Primitive Christianity. The returns of Gratitude to God for the Blessings and Labours of the Ministers thereof in the Reformation of the Church, in the last and present Age wherein we Live; together with some close Reflections thereupon.

REligion a thing so Excellent, (that to be careless in it, or neglectful of it, is accounted a great disreputation and shame to any Party or Person) hath ever had since there were Professors of it, and that is so long as there have been men in the World, a select number of Persons, who have been the Ministers of it. These men dureing the first times, and the Administration of the Law of Nature, were the First Born, and they both Princes and Priests too; so that the Administration of Justice, and the Performance of Religious Worship we find then to have been linked together in one and the same Person, *Adam*, *Seth*, *Enoch*, and *Noah*, and other the *Antediluvian* Patriarchs were in their Order and Succession both Kings and Priests also; as any person may be satisfied, if he will peruse those Writers of the *Jewish* Antiquities *Philo* and *Josephus*: Afterwards, when the Law was given by positive Precepts to the Sons of men, one of the Twelve Tribes (*viz.*) that of *Levi* had

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the Priesthood annexed to it, together with other great Immunities, Honours and Priviledges, and in the division of the Land of *Canaan* (if Mr. *Seldens* Authority may sway any, *Rev. Hist. Tithes*, c. 2.) they of *Levi* had near three times the Annual Revenue of the largest among them, they had their Places and Voices in their *Sanhedrims* and Councils: yea and Cognizance of *Capital Causes* also, as we may find largely proved by the Learned *Spelman* in his History of Sacriledge; What sense the very Heathens themselves had of the Honours of their Priesthood, it would be very tedious to relate. The Priesthood was not esteemed any shame to him that bore the Scepter and wore the Crown. In *Egypt* as Sr. *John Marsham* in his *Cronic. Canon*, well observes those Ancient Kings after the Flood *Thoth*, or *Mercurius*, *Tosorthrus*, or *Æsculapius*, *Suphis* the Builder of the greatest of the Pyramids were Kings and Divines too. See him at large, *c. ad Sec.* 4. περὶ θεοπτίας. Nay in the first Ages of the World, the Legislative and Executive Power went along with the Priesthood, *Melchizedeck*, *Abraham*, and *Jacob* after the Flood, as well as the *Antediluvian* Patriarchs were as well Executors as makers of Laws. Let us peruse the Holy Records, and we find *David* a King and a Prophet, his Son *Solomon* the wisest of mortal men, stileing himself by the name of the *Preacher* and valuing himself more upon that name, then upon the score of his other Royal Titles; and in the fullness of time Jesus Christ himself the *King of Kings*, the Eternal Son of God and *Original of all Power* thought it not below him telling us expresly *Luke* 4. 18. That he was sent into the World on no other end than to *Preach the Gospel*. True it is, his Kingdom was not of this World, and he never went about to dipossess either the *Roman* or *Jewish* Governours in *Judæa*; neither did his Disciples ever go about to do any thing like it; yet when the Empire became Christians, the Prudent Piety of the first and most Christian Emperors for the better Encouragement of Religion and Learning, conferred large Immunities and Exemptions upon Church-men, freeing them from Subsidies, Impositions, and sundry services wherewith other of their Subjects were burdened * *Eusebius* and *Zozomen*, record several Priviledges granted by *Constantine*, That those who Minister in Holy Religion be wholly free and exempt from all publick Burthens: And some have very well observed, that during the continuance of the gift of Tongues, extraordinary Learning, and other Miraculous effusions of Gods Holy Spirit upon the Primitive Church, there were no need of the Piety and Charity which subsequent Christian Emperors bestowed upon the Church, the Apostles had no need to study for their Preaching, and therefore had leisure enough to fish and make Tents for a livelihood, whereas ours are forced to pore upon Books, to Meditate, Write, and all hardly sufficient to search out the deep Mysteries which cost Them no Pains, the Spirit supplying the place of all. Therefore to make amends for all these extraordinary qualifications, and abundant measure of Spiritual Graces wherewith they were furnished above us, it hath pleased the Lord of the Harvest in these latter days to raise up Christian Magistrates to assist and encourage his Labourers, and appoint them a more setled and plentifull allowance; yea and honour also, and power together with it, for that Wisdom without these is commonly contemned. Who ever was chosen a Magistrate in our Neighbour State of *Holland*, or here at home? who had not Riches, and therefore Honour to support them, Wisdom in the esteem of the Vulgar is always thought to be accompanied with Riches and Power: So that the pretences of those men who for a Cloak to their Innovations and Sacriledges, vainly vaunt that all things should be

Ad. Sec. 1.

Euseb. Ecc. Hist. 10. *c.* 7. *Zom. l.* 1. *c.* 9.

be brought back to the Primitive Purity, and the Clergy also to the Apostles Poverty, seem to argue thus much that they are no farther true Gospel Ministers, and the Successors of the Apostles than they are able to work Miracles, and that they though not enabled to it by any Education may be required to work in any of those Callings of which the Apostles were, whose Successors they pretend to be. We read in *Lud. Vives* in his Commentary upon St. *Aust. de Civitate Dei*, That the Priests of *Ceres* [no other than the Mendicants amongst them of *Rome*] were to renounce the World and Riches and Honour too; and therefore that on the day of their Initiation they were to put on a Coat which they never left off till such time as it was so ragged that it would no longer hang to their backs; certainly if Spiritual Persons were left to some mens allowance, this would be their Portion from them to be clad with Poverty, Contempt, and Rags, and their Callings as well as their Necessities would constrain them to *Fast and Pray*. I know some men (particularly *Luther*) amongst our Reformers have sleighted Honours, and that Portion due to their Callings, out of sincere Principles and a good meaning, who have yet lived to Repent their Error, though not able to redress it, when they have seen how much the Church has thereby suffered, and Religion been damnified, Witness *Luther Epist.* p. 131. *Ego per meo stipendio annuo tantum novem antiquas Sexagenas habeo, præter has ne obolus quidem mihi, aut fratribus è Civitate accedit.* A great and noble reward for such matchless deserts, and if so happy an Instrument of *Europes* Reformation, so valiant a Champion, who singly opposed the United Power of *Rome* and Hell, What may the Clergy of our days expect? *viz.* To be devested of their Revenues, Honours and Immunities, because they are the Successors of their Forefathers the Bishops and Reformers in Queen *Marys* days, some of the Principal whereof were publickly Burnt as Martyrs for that Religion which (God be thanked) maugre the Monstrous ingratitude of some, we yet through the Blessing of God enjoy, by the Pains and Labours of their Worthy Successors. Who are the Persons who have to the Eternal Shame and Infamy of *Rome* laid open the Vileness, Wickedness, and Immorality as well as the false Doctrines, Idolatries and Superstitions of that Church? Who are they who have been the Watchmen upon the Wall, that have ever since the Reformation Beaten and Foiled them in their Assaults upon our Church? Was not the Walls thereof Watered, and as it were Cemented with the Blood of *Cranmer*, *Latimer*, *Ridley*, *Hooper*, and others; the Superstructure raised by *Jewel*, *Reynolds* and others, *Sed me reprimo.* And yet now those days through Mercy are over, Must their Successors still be wounded by the hands of their pretended Friends, and receive such hard measure from their Pretended Well-wishers? *This strikes to the very Heart.*

Scilicet,

Hoc Ithacus velit & magno Mercentur Atridæ.

CHAP.

CHAP. II.

The Clergy under the Law and Gospel also, have ingaged in Secular Causes, and the State very happy in this their Administration in the Primitive times of the Gospel proved from the Examples of St. Ambrose, *St.* Austine, &c.

WE all know it was a Political Maxim mentioned by *Josephus* as derived from *Moses*, πρασσέτω μηδὲν ὁ βασιλεὺς δίχα τοῦ ἀρχιερέως καὶ τῶν τῶν γερουσιαστῶν γνώμης. *Philo. in vit. Mos.* The King must ever take the advice of the Priest, *Moses* himself was a Priest as well as a Ruler; and he appointed Priests dureing the *Levitical* Administration to be Overseers of all things, Judges of Controversies, and Punishment of Malefactors, *Joseph. lib. 2. cont. App.* who saw the precept reduced to practice, tells us the thing in fact was so. Who hath not heard that *Ely* and *Samuel* the Lords Priests were at the same time Civil Judges in *Israel*. *Chytræus* makes three Consistories amongst the *Jews*, of all which the Priests were the Principal and Essential Members: (1.) A Triumvirat in every City wherein many matters and lighter Trespasses was decided; these *Grotius* calls *Pedaneos Judices*. (2) The little *Sanhedrim* Consisting of 23, wherein Capital Causes were determined in the Gate of every City. (3.) The Council of State or grand Senate of 70 Elders, which some make to consist of 71, taking in *Moses*; others in 72. Six out of each Tribe, the High Priest being commonly of the Number. Now that the Priests and *Levites* were part of this great *Sanhedrim*; *Causabon* will bear me out; who makes it appear out of their best Authors, *quod hujus Concilii ea fuit institutio ut si fieri possit e Solis Levitis & Sacerdotibus constaret*, That as near as might be, the endeavour was it might consist only of Priests and *Levites*; whence *Josephus* and *Philo* oftentimes under the Title of Priests understand the *Sanhedrim*. Come we down to *David* whose Government was a Pattern to all his Successors, his Reign was peaceable and flowrishing; nor did he want States-men of the most raised abilities for his employments: Yet did not this Wise, this Holy Prince think it inconsistent with the Sacred Function (which yet St. *Austin* tells us in some respects *Operosius Ministerium* than that of the Gospel) to engage *Levites* in his weightiest secular Charges. For we find *Hathaliah* and his Brethren appointed Officers on this side *Jordan*, not only in the business of the Lord, but *in the Service of the King*: And *Jerijah* another in Holy Orders is made Plenipotentiary or Ruler over the *Reubenites*, the *Gadites*, and the half Tribe of *Manassah* in every matter pertaining to God, and in *the affairs of the King likewise*, 1 *Chron.* 26. 30, 32. Nor was he singular in it, but was Imitated by good *Jehosaphat* who made the Priests and the *Levites* Judges of all the Controversies in *Israel*, not excluding *matters of Blood*, 2 *Chron.* 19. 8, 10. Now run over the Catalogue of all the Kings of *Israel* and were any to be paralled with these? I am sure that none went beyond these, none whose Government did more prosper with Righteousness, Justice, and Tranquility. And though under the rest of the Kings we have no express mention of the same practice; yet all things considered, we have more reason to conclude it held than the contrary, for we find *Jehoiada* the Priest chief Counsellour to *Joash*, 2 *King.* 11. And if we look into after times at the *Babylonian* Captivity, the Priests

Exerc. 13. *c.* 5.

Assamonæan Race continued absolute Princes till *Pompeys* Conquest, *Joseph. l. 13. c. 9.* We may further add that many Civil Causes are by name reserv'd to the *Levitical* Cognizance, as the Inquisition for Murther, false Witness, *&c. Deut.* 21. And yet after all, the Preachers of the Gospel do not hence draw arguments that they are chiefly and solely to be intrusted with these great and Important Ministeries, but I do on their behalf averr, and will be ready to prove and maintain, That a fit allowance being made to the difference of Times and Persons; the model prescribed by God himself under this *Levitical* Administration may safely be followed now in some things, and those no Circumstantials also.

But leaving *Moses*, let us come to Christ, and see how matters stood under the Gospel, here though we have no instances of Honours conferr'd by our Saviour upon his Apostles, yet have we Prophesies, that after the publication thereof Kings should become the Nursing Fathers of it, and that the feet of those that brought the glad tydings of Peace should be Beautiful upon the Mountains, which Mr. *Calvin* applyeth to the Bounty and Munificence of Princes to the Church, *Isa.* 49. But for the first 300 years, What could rationally be expected from the professed Enemies of Christianity? no other honours than cruel Persecutions whilst the persecuting fury lasted, whilst they were burnt *in usum nocturni luminis*, as Tacit. the Historian hath it. The ordinary sentence was,

Tæda lucebis in illa
Qua stantes ardent & fixo gutture fumant, Juven.

But no sooner was *Gentilism* abolish'd, but we have a new and smiling face of Affairs under the happy Reign of *Constantine* the Churches great Patron, as well as the Clergies Friend. And henceforth the Primitive Piety was not wanting, who thought no Honours or Powers misplaced upon their Spiritual Fathers, for whom they judged nothing too dear. All Histories ring of *Constantines* kindness to his Clergy, by whom the most weighty Affairs of his Empire dureing his time was most happily transacted, and that most of his Successors wrote after his Copy will appear by what follows; for it were very easie to muster a little Army of Fathers engaged in Secular Employments. We read *Zozomen l. 6. c. 32.* that *Epiphanius* Bishop of *Cyprus*, a Person of singular vertue, prudence, and piety, πλιτικῆς ἐμβαλὼν πράγμασι, a man busied in Political matters, *Theodoret* reports *l. 2. c. 30.* that one *Jacobus* Bishop of *Nisibis* or the *Mygdonian Antioch* was ἐπίσκοπος, πολιοῦχος, καὶ στρατηγὸς, Bishop, Governour, and Captain of the same City. In *Baronius*, A. 610. I find that *John Patriarch* of *Alexandria* was accustomed to sit twice a Week and Judge between those that were at variance, and to reconcile them, and once when none came to him, he departed weeping, That all that day he had done no good, but *Sophronius* replyed, That he had more cause of rejoycing than of Weeping; for having brought the City to such good Order, and to so great Peace, that they were more like Angels than men, having no differences left, but were all in friendship and amity. *A rare Example to the Immortal Fame of an Ecclesiastical Judge.* We all remember that Sir *Thomas Moore* commanded it to be scored up as a wonder, That he had once been able to clear the *High Court of Chancery from Suites, and not one cause to remain unheard*: But here we have a Populous City (hardly short of any in our Nation) by the pains of a good Bishop, *without any charge to the Litigants*, reduced to a perfect unity within it self.

But

up and Select only a few, whose eminent Labours have Eternized them to posterity, and begin with St. *Ambrose*, who flourished *A. C.* 378. and to his Conduct and Government was the great City of *Milan* entrusted, so that St. *Austin. Conf. l.* 6. *c.* 7. Complains that he was a long time kept from access to him *Secludentibus me ab ejus aure atque ore Catervis negotiorum hominum quorum infirmitatibus serviebat*; He had whole troops of Suiters about him to dispatch their worldly business. The next shall be that great *Affrican* Light St. *Austin*, who *Ep.* 147. hath this passage, *Homines quidem suas sæculares causas apud nos finire capientes, dum iis necessarii fuerimus, sit nos Sanctos & Dei Servos appellant, ut negotia terra suæ peragant aliquando agamus negotia & salutis eorum non de auro, non de argento non de fundis & pecoribus pro quibus rebus quotide submisso capite salutamur ut dissentiones hominum terminemus.* He saith he was every day sollicited to make up some breaches about Gold, Silver, Land, Cattel, *&c.* And yet where have we found a more Faithfull and Assiduous Preacher and Pastor than this good father? Were any more engaged in contests with Hereticks, or any that left a larger Legacy of his Learned Labours to the Church? I dare challenge any before or since the Churches Reformation, who have done the like, and who will say that the good Father had mispent his time, that had better been laid out in *painfull Preaching* to his flock? Whereas we all know that Preaching is but a very small part of the Ministers Calling, yet of late times it hath been made by some to swallow up the rest of the Ministers Duties as necessary and Essential to his Callings as that can be; and have observed also, that some Ministers themselves, otherwise good men, have been a wanting to themselves and the Church, in complying too much with a sort of men amongst us, whose interest it is to draw all Causes into their own Courts for the support of their own Grandeur and Faculty; whereas otherwise those Suites and Causes might perhaps with little or no charge have been more speedily, yea and satisfactorily determined. Our last instance shall be in *Gregory* the Great, *de Cur. Past.* (with whō some close the good Popes) whom we find complaining that *Sub colore Episcopatus ad seculum retractus sum in quo tantis terræ curis inserrio quantis me in vita laica nequaquam deseruisse reminiscor.* He was never in all his Life time so encumbred with Worldly business, as after he came to be a Bishop; but he afterwards adds that, *Etsi cogamur terrenis negotiis intendere, mens tamen nostra sæculari varietate non delectatur, sed tota in unum currit, atque confluit finem.* Though he was forced to do this for the good of his People, yet he took no Pleasure in it, and his mind was taken up with better things, for all agree that these must not be undertaken out of love to them, but Christian Charity and Compassion to the oppressed, *Aug. de Civ. Dei l.* 19. *c.* 19. Now these Imployments were conferred upon those Fathers not as Bishops but as Subjects more Eminently qualified than others, both by their Prudence, Experience, and Integrity, as well as Humane Learning. But Three there are (in which they did Principally engage) and which may seem most agreeable to their Coat: First, *To be in the Commission of Peace*; and to speak Impartially, Who fitter for such a Work than they, whose business and Calling it is to reconcile those that are at variance: And this was the design of the Ancients, though at first it began in a way of Charity; yet being found profitable, it was upon mature Deliberation by the Christian Emperors confirmed, particularly by *Constantine*, *Zozom. lib.* 1. *c.* 9. who leaves it free to any, τῶν ἐπισκόπων ἐπικαλεῖσθαι κρίσιν ἐὰν βούλονται τοὺς πολιτικοὺς ἄρχοντας παραιτεῖσθαι. *Valens* and *Valentinian* enlarged it and intrusted them with the Rates of Commodities Sold in the Market,

But wee will pass over such obscure names whom it were endlesse to reckon

Cod. l. 1. de Aud. Ep. tit. 7. Their Jurisdiction I confess hath been in several ages various, sometimes more sometimes less as the Emperors were more or less favourable to the Church, whoever kept the Soveraignty in their own hands, *Constantine* was the first that passed the Royal Grant in favour of the Clergy, permitting the Cognizance of all Civil matters, even between Laymen to the Episcopal Tribunal if either party did require it, though the other denyed his consent, and their appeal was to be obeyed by the Magistrates whenever made, though the action was already commenced in another Court. *Arcadius* and *Honorius* did a little retrench this unlimitted power, yet still allowing it by the joint consent of both parties, and making the Bishops as it were Referees, *l. si quis ex consensu. de Aud. Episcop.* and their decision to be binding and final without appeal. This Law was after ratified by *Theodosius* and *Justinian l. Episc. c. eod.* Nay this latter Emperor *Justinian* reposed so much confidence in them, that he made them Overseers of the Secular Judges, *Novel. Const.* 56. This then has been the practise of that pure and Primitive Age, and the greatest Enemies the Church had, could never deny but that the Bishops have had their Tribunals for above these 1300 years Erected by *Constantine*, confirmed by *Arcadius* and *Honorius*, *Theodosius* and *Valentinian*, &c. Only some Curiously mince the matter, and allow them power to hear Causes, and to become Referees and Umpires by the consent of both Parties, but yet they will not hear talk of any Coercive Jurisdiction, though as eminent Civil Lawyers as any are, Attribute it to them, and particularly *Accursius* interprets *Audientia Episcopalis*, a term frequent in the Code by *Jurisdictio*; and *Constantine* forbad expresly the greatest Prince in the Empire to revoke what once the Bishops had Decreed, *Euseb, Vit. Const. l.* 4. *c.* 27. In process of time the Magistrates having encroached upon, and almost outed the Clergy; *Charlemaine* revives that good old Law of *Constantine*, confirming the same Jurisdiction to all Bishops, repeating the Charter word for word, *Car. Mag. in Capit. l.* 6. *c.* 28. What the practise was in our own Country of *England* shall God willing be made out in what follows, wherein I doubt not but to give abundant satisfaction of the *Factum* that the Clergy were employed as much as the Laity in the Decision of Secular Causes, so far as we have good Authority and Record in the times of the *Saxons*, and so downwards till our late and unhappy Divisions 1640, &c. which God grant may be ever buryed in Oblivion, and that we may never live to see the same again. Secondly, To be of the Privy Council, where frequently Cases of Consciences relating to State-matters may arise: As suppose there be a Consultation about a War or Marriage, the Lawfulness or Unlawfulness thereof, must be judged *in foro Conscientiæ*, and so is the proper Subject of a Divine or Clergyman; and perhaps the thing will not bear so much *delay*, as to Summons Prelates together for Advice nor Reason of State to be so much published, for want of such Knowing and Religious Counsellours; Princes may often be entangled in unjust Massacres, and rash Wars, and Innocent Blood be spilt, which otherwise might have been prevented: And for prevention whereof the Godly Prudent Princes both of our own and other Nations have ever admitted some spiritual Persons to their Counsel Tables, and Closet Debates. To the good advice of Bishop *Fox* of *Winchester* we owe the Union of the two Kingdoms of *England* and *Scotland*; for the other Privy Counsellors advising King *Henry* the 7th to Marry the Eldest of his Daughters to *France*, the more Noble and Rich Kingdom: the old and wise Bishop adviseth his Majesty the contrary, at which the King seeming somewhat surpriz'd, the Bishop gave him this

this as the reason of his Opinion, that by Marrying the Elder to *Scotland*, that Kingdom would be brought to *England*, and old Enmities reconciled and for ever buryed: Whereas on the contrary *England* being under *France*, we should have here been ruled by a *French* Lieutenant or Deputy, which the *English* he doubted would hardly brook, and perhaps our Government and Laws by reason of their unagreeableness to the *French*, might have been attempted to have been changed into those of *France*, which the *English* man (his Opinion was) would hardly bear: Whereas those of *Scotland* were not so much differing from the Laws and Customes of *England*, and twas to be hoped the two Nations would better accord together than the *English* and *French* would. The good event of which Counsel we have seen with our own Eyes, and may it long continue. It is recorded of *Constantine* that he would not in any wise dispense with the absence of his Bishops from him, who had he lived in our Prophane age, the Churches Enemies would have said that the good Emperour had been Priest-ridden, a well-meaning man, but not overwise: But the good Emperors joy it was to see *His Court to be as it were a Church.* Nay so much use of these Holy men he made, that he made them follow him in his journeys and warlike Expeditions, *Euseb. de vit. ejus l.* 1 *c.* 35. *Idem l.* 4. *c.* 56. So that we read in *Peter Blesensis Ep.* 84. *ad Alex.* 3. how he proves at large there, That it is not only lawfull but very expedient for Prelates to be in the Courts and Counsels of Princes upon such like important reasons as those are, and therein excuses the Bishops of *Winchester*, *Ely*, and *Norwich.*

Thirdly, To be employed in Treaties and Negotiations of Peace and Commerce, and this both the Ancient and Modern practise will justifie, that none have been more frequently or more successfully used and employed in such Messages than the Ambassadours of Christ: Solemn Embassies cannot be expected before the Magistrate embraced the Gospel. But in the very beginning of the 4th Century we have *Maruthas* Bishop of *Mesopotamia* sent Embassador from the Emperor of *Rome* to the King of *Persia*, *Socrat. l.* 7. *c.* 8. Presently after *Theodorick* dispatcht *Epiphanius* Bishop of *Ticinum* or *Pavia* to *Gunebald* King of the *Burgundians*, *Eunoch. Ticin. vit. Epiphan.* who at his request released great numbers of poor Christian Captives. Then we have St. *Ambrose* sent by *Valentinian* to *Maximus* that commanded the *British* Armys, to desire Peace, which he happily effected to the great contentment of his Master, *Ambros. Ep.* 27. *l.* 5. where he mentions an other Embassy wherein he was imployed. I might add St. *Chrysostome* imployed to treat with *Gainas* as *Baronius* informs us. *John* Bishop of *Rome* commissioned by *Theodorick* to *Justine* the Emperor, *Niceph.* with multitudes of others in latter times, whereof if I should give instance some perhaps would reply upon me that those were times of Popery and Ignorance; yet perhaps of more candid simplicity and honesty than the times wherein we live; and for the Moderns the time would fail me to speak of our own and Neighbour Nations; for this continued the Universal practise of Christendome *till Sincerity gave place to Hypocrisie*, and that new Definition of an Embassadour came up, that he was, *Vir peregre missus ad speciose mentiendum Reipub. causa.* A good man sent abroad to tell specious lies for his Countries service. *Then indeed it was high time for these Holy men to resign up these Employments to others whose Education and course of Life better became them.*

5. Thus we have seen both Ancient and Modern Usage on the Clergys side, the uninterrupted practise of the World for above 1000 years before and under the

Law

Law in the pureſt times ſince the Goſpel all ſorts of men both Pagan, *Jewiſh* and Chriſtian, allowing it in their practiſe, and none ever queſtioning it, ſave ſome late, and thoſe few Innovators, who though they have diſclaimed the infallibility of the Church of *Rome*, ſeem to ſtick a little to cloſe to that of *Geneva* or *Scotland*, we have heard the moſt eminent amongſt the Fathers engaged by their Princes in Secular Employments, and if yet ſtill this muſt be an Error, *ſit Anima mea cum patribus*, I dare caſt my Lot on that ſide. 'Tis confeſt 'tis pitty that any ſhould be miſled by Authority, but 'tis moſt miſerable not to be moved by Authority.

This then being the *Factum* or uſance, as is Evident, let us a little in the next place examine the *Jus* of it, and for any Fanatick to except againſt it is a ſelf-contradiction, ſince their avowed Principles and dayly practiſe allow their Teachers to follow any other Calling, either of Camp, Country or City without controul. But it is the rigid Diſciplinarian who takes the moſt Offence at it, and therefore to him we ſhall addreſs our ſelves, and for once ſuppoſe him to be of the little Commonwealth of *Geneva*, and to have the beſt parts, and to be Maſter of the beſt head-piece amongſt them. If the Senate or Syndic ſhould commiſſion him to decide a difference between his quarrelling Neighbours, or ſend to him to adviſe with him about a War with their great Enemy the Duke of *Savoy*, or engage him to Solicite at the Court of *France*, or at the *Swiſſe Cantons* as a Publick Agent, there being none more likely to prevail in ſuch an Embaſie than himſelf; and the little Commonwealth otherwiſe would be in danger to be loſt. In this caſe ſhould he be heard pleading the inconſiſtency of his Holy Profeſſion with ſuch an imployment, and thereupon return a denyal; if ſo, then the Magiſtrate will be an ill condition, who muſt be obeyed in nothing more than the others Calling enjoins him whether commanded or no, and his being a ſpiritual Perſon will make the Civil Magiſtrate looſe the ſervice and uſe of his Subject: A thing yet which the moſt eminent amongſt them have not declined; for that neither Mr. *Calvin* formerly in the one, nor Mr. *Henderſon* of later times in the other, have not ſcrupled greater matters.

But let matters be made never ſo clear, it may be feared that the Vulgar have taken up ſuch prejudices from the inexcuſeable buſineſs of ſome late Preachers here amongſt us intereſting their very Pulpits in State matters dureing our late Troubles (a practiſe never ſufficiently to be condemn'd) that all perhaps may be bound to their good Behaviour for a while for the Miſcarriages of theſe men, who have been ſo notoriouſly guilty of the ſuppoſed crime, they have been guilty of in their Preaching againſt it, and chargeing it upon other men, who never (as they did) engaged in any thing of that nature, but when they were commanded to it by the Magiſtrate: Though 'tis hoped that all learned and judicious Perſons will be more conſiderate, and diſtinguiſh between the frantick madneſs of a few giddy Rates, and the ſober actings of Eminent Prelates commiſſion'd by lawfull Authority, and not take an advantage from the miſcarriages of this other ſort of men to bring an irreparable injury on Poſterity by debarring others more ſober than they. It is a true ſaying and confirmed by the experience of many hundred of years. *Laici ſunt ſemper inimici Clero.* When the World was *Pagan*, the Devil taught the multitude to cry out if any publick Calamity hapens, that the Chriſtians were in the fault, and they muſt to the Lyons: but now the cunning Sophiſter hath changed his note, and if any thing be amiſs either in Church or State, preſently the blame muſt be caſt upon the Clergy; They muſt be Sa-

crificed to appeaſe the many-headed Multitude, their Lands Sequeſtred or Sold, and all places of Honour and Truſt interdicted them; certain we are, the qualifications of a Biſhops Calling do not in the leaſt incapacitate him ſuch employments as we have been ſpeaking of. For (1.) 'tis required that he be *Vitæ Probatiſſimæ*, of an upright unblameable Converſation. (2.) *Nullius Criminis reus.* (3.) *Ætate gravis*, well ſtricken in years. (4.) *Doctrina præſtans*, excelling in Learning, with many other of the like nature. Now if theſe are not kept, they have the more to anſwer for whom it concerns, if they be obſerved, will not any one who reads this, conclude no Perſons more fit than they for the moſt weighty Affairs? For all Polititians make Integrity, Prudence, and Learning the Principal ingredients of an accompliſht Magiſtrate; ſo that if Aptitude be reſpected, we may ſafely affirm there are none better qualified for Counſel than the Clergy, whoſe Education and Inſtitution hath enabled them to look into all the Idæas and Models of Government; to ſearch the Depths and Myſteries of Empires, moſt of which are lockt up in ſtrange Languages, and 'tis not every capacity that can gain the Key. Then for true Politicks (the late *Florentine's* Reaches let other men learn and admire) there's as much to be found in the Hiſtorical part of the Scripture, as in any Books in the World, ſo that Divines may in all probability make good Statiſts. And is it not pitty then that their Countrys ſhould be deprived of ſuch hopefull and eminent abilities? doubtleſs thoſe of the contrary Opinion do not throughly weigh the conſequences of their Aſſertion, clearly leading to disjoin the Church from being a part of the Commonwealth, which for 1300 years and better have been happily united; if the Biſhops and other Spiritual Perſons who yet by their Reventue are ſo conſiderable in the Commonwealth, muſt no longer be lookt upon as Citizens, or parts of it, and *eo ipſo* be debarred from Employments, but incontinently forfeit all their Priviledges as ſuch, the conſequence I preſume would not be very good.

CHAP. III.

Some Authorities from Scriptures, and the Canons of the Antient Church ſeemingly contradicting the former poſition explained.

AND yet for all this we confeſs we find many good men are ſtrongly perſwaded that Eccleſiaſticks ought wholly to be excluded from Civil matters: An Opinion indeed much pretending to Humility and ſelf-denyal, and receiving ſome countenance and colour from Scriptures, the practiſe of three firſt Centuries, and ſome Canons of Counſel which muſt be the Subject of our next conſideration.

The Text that is moſt inſiſted upon is, 2 *Tim.* 2. 4. which being miſtranſlated by the Vulgar Latine *Militans Deo* begat greater prejudice in the minds of many.

Firſt, Then we may take notice that the Sentence is general, and belongs to every calling and ſort of men, though in a more peculiar manner 'tis referred to the Preachers of the Goſpel, yet none can plead exemption, but others are willing to ſlip their necks out of the Collar,, and the Clergy only muſt be tied to it, whom for

[illegible] upon the words πραγματεία βίου which *Theophylact* expounds by [illegible] the tumults and confusions of this Life, *Corn. a Lapide* sales πραγματεία [illegible] are such employments as concern food and rayment, and instances in these *agricultura, mercatura & artes mechanicæ*. Now who does not readily approve of this, and judge it very improper that a Preacher should be a Merchant, a Plowman or a Mechanick, do not both Common and Cannon Laws forbid the same? *Estius* has much to the like purpose, πραγματεία βίου, &c. *Quæ quis exercet ut habeat unde vivat*, and therefore quotes to this purpose a saying of *Ambrose*, *Indecorum est homines curare de cibo qui militant Deo*, this then rather flies in the face of them that permit their Preachers to put on Blew Aprons, and make them such sordid allowances, that they must either work with their hands or starve, seeing it is not comely that the Lords Warriours should busie themselves about inferiour matters that tend to get a livelihood, and so *Valla* renders it, not *negotiis* but *negotiationibus*, when our Saviour employed Fishermen to Preach his Gospel, weak instruments to confound the powers of this World, though he furnished them with suitable abilities that they needed not to study, yet he made them leave their nets, and not use them as their ordinary Profession. But lastly, and most satisfactorily, the Apostle here makes a comparison between Prophane and Spiritual Warfare, and therefore the better to understand the genuine sense we must consider what Military Discipline did require, *Veg. l. 2.* says that by the Laws of War he must not have any private affairs committed to him, nor mind his own gain. Hence we read in *Florus* of the *Romans* severely proceeding against *Posthumius* for imploying his Soldiers to till the ground, *Vid. Leg. Arcad. & Honorii Tit. Miles.* And *Leo* the Emperor says expresly, those that are armed and maintained by the Commonwealth must only mind publick affairs, and not till the ground, keep Cattel, or Traffick, *L. Mil. C. de re Militari l. 12.* All avocations were inhibited, and such matters as tended only to the publick good enjoyned them, and why then should not the same Analogy hold here, and such affairs be permitted to the Clergy, as tend to the good of the Church, and the Glory of their great Commander.

Next we are urged by the Apostles practice who were so tender of any interruption that they denied to attend upon tables, and make provision for the Poor. 'Tis true, in the infancy of the Church, when the Gospel was to be published all the World over, the Work great, and the Labourers exceeding few, the least diversion at such a time would prove a considerable hindrance and destraction to them. But now when the Lord of the Harvest has encreast the number, and plentifully furnished his peaceable settled Church, every Village being now supplied, and if the complaints of some be true, the Nation so overstock'd, that there's hardly employment, much less maintenance for the Multitude. In this case to make no difference of times, when the mercifull Providence of God hath made so vast a distinction seems little agreeable to reason. But if from this, occasion must be taken presently to forbid every petty interruption and disturbance; how came St. *Paul* to contradict himself, and to follow his Tent making, labouring with his hands for a livelihood, which must needs take up a good part of his time, and hinder his Praying and Preaching. Add to this, that the seven Deacons appointed by the Apostles to succeed them in the care of the Collections, were according to *Epiphanius* of the number of the 70 Disciples, and yet for the publick benefit, their constant Preaching was now and then dispenced with to attend on Tables.

Thirdly,

Clergy men to judge and intermeddle in Civil Matters, or any Causes Secular; the Prohibitions of this sort are many and various, they may be seen in *Balsamon*, *Zonarus*, *Binius*, &c. It would be an infinite task to give particular answers to each Canon, and therefore I shall lay down some general Rules, which may the better conduce to the understanding of them all, which if well applyed will make an abundant solution to that so complicated an Objection.

And here I cannot but admire the Modesty of the Primitive Church, and the Charity of the People, the earnestness of Princes in Commissioning of Spiritual Persons to compose all emergent differences, and the forwardness of the oppressed in flying to the Tribunals for Justice, whereupon the Holy Fathers in process of time to take off their Clergy from those Affairs made sundry and severe Canons in divers Counsels, and therefore (1.) 'Tis clear, the great design was to forbid ambitious seeking after, and voluntary engageing in Secular matters for Sordid ends, and out of Covetous Principles, and this may probably be collected, because we find a dispensation given when imposed by the supreme Magistrate. In the Counsel of *Sardis* it is granted upon the motion of *Osius*, *Si religiosi imperatoris literis vel invitati vel vocati fuerint*, and undertaken in obedience as causes of Piety and Charity, overseeing Widdows and Orphans, provided it extended not to the notorious neglect of their Religious Callings. And thus *Justin Martyr* calls the Bishop the great Steward of all the poor, *Apol.* 2. the Contributions of the Faithfull being laid down at his feet, and by him distributed. And *Ignatius Ep. ad Polycarp.* calls the Bishop the great Trustee of the Widdows. (2) 'Tis not a total prohibition, but only a prudent restraint, least animosities and jealousies should arise in the Laity, by too much encroaching upon their Courts, and therefore the wisdom of sundry Counsels confin'd the Clergy to such matters as were properly of Ecclesiastical Cognizance.

But (3.) The ground and reason of these interdictions was not the unfitness and incapacity of spiritual Persons, but out of respect to their eminent Callings, least they should be disparaged by mean and vile employments, and express mention is made of sordid Offices about Princes and Noble men, as of Stewards, Bailiffs, &c. But when by the favour of Princes their employments were honourable, and their temporary diversions did bring abundant recompence to the Church; we find those that had the principal hand in enacting these Canons themselves engageing. Now can it be supposed, if this had been the meaning, they would have been guilty of so great a contradiction, and no future Counsel reprove it. St. *Cyprian* much confirms me in this Opinion, *l. de Lapsis*, is perswaded that God sent the great Persecution under *Decius* onely to awaken the Christians, who were growing exceeding corrupt, especially the Clergy; for he there complains that the Bishops themselves abandoned their holy Functions, and dealt in matters of the World, haunting Marts and Fairs for filthy lucre sake. And much to same purpose we find in Writers of our own Country, as *Gildas*, *Bede*, &c. But to make peace between quarrelling Nations, to compound differences amongst Christians, and such like, tending to the honour of God and the Glory of the Gospel, which may be often practised without detriment to their Spiritual charges, I never find these expresly forbidden, or such as engaged in them, as *Cyprian*, *Austin*, *Chrysostom*, *Gregory*, *Bernard*, &c. Condemned; for St. *Paul* became all things to all men to gain a Soul: Will not the example bear his Successors out, if they go to the utmost verge of their Christian Liberty, still keeping

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on this side sin, to preserve Kingdoms, the Churches Peace, and to prevent the effusion of Christian Blood, their absence some days from their private charges will be abundantly recompenced by such happy consequences.

CHAP. IV.

The Ancient Estate of the Clergy and Priests in this and other Kingdoms.

WE have before intimated that the Prudent Piety of the first Christian Emperours, for the better Encouragement of Religion and Learning did confer many and great Priviledges and exemptions upon their Clergy in those Primitive times. Come we now to manifest that the *Franchises* of our *Brittish* Church, were neither short for number or extent, and that they were all confirmed by *Magna Charta* without restraint, the words are *we have granted* to God, and by this our present Charter confirmed and for our Heirs for ever, that the Church of *England* shall be free, and have all her whole Rights and Liberties inviolable, all the Nation being content to stand accursed if this grant were at any time infringed. You may see in Ancient Authors the manner of its Publication (*viz.*) The King, Prelates, and Peers, *&c.* came with burning Tapers in their hands, throwing them down on the ground, and saying, so let his light be extinguished in the other World, which shall go about to break this Charter and Agreement, yea more if any thing should be done against it and contrary to it, it was *ipso facto* declared void, 26. *Edw.* 1. *c.* 2. And must *Magna Charta* be violated only when the Clergys Priviledges are invaded, Why shall it not stand firm and good for them, and on their behalfs, as for the Laity? Did not the Clergy labour as much as any for the Procurement of it? Nay were they not they who procured it from the several and respective Kings? Let us desire the Enemies of the Clergy to see their own Cronicles, and they shall receive satisfaction. Now what the Liberties of the Church were, to set them down would ask a Volume; the Lord Chief Justice *Cooke* says expresly, they had more and greater than other of the Kings Subjects, some few he recites, as that they were discharged from Purveyances, Tolls, Customs, Distresses by the Sheriff in the old inheritance of the Church, with others of the like nature. It might fetch tears from some to look back upon the Piety and Charity of our *Saxon* Ancestors who in their greatest impositions ever held their Ecclesiasticks excused, no part of that insupportable Tax of *Danegelt*, under which the Kingdom so much groaned, being ever paid by them, *Vid. Spelm. Gloss. in Danegelt.* and it may be made appear that till after the Conquest (the tenure of their Lands being at that time *Frank Almoigne*) they were ever priviledged. For King *Ethelwolf* in a full Convention of his States at *Winchester*, *Ann. Dom.* 858. Enacted that Tithes and Church Lands throughout all his Dominions should be free from Civil Burdens and Exactions, as much as Royal Tributes great and small, *Vid. Spelm. Concil. ad Annum dictum.* But dureing our late intestine Wars, How unequal were Quarterings and Contributions? What heavy Burthens did the poor Clergy bear, no redress being found to their bittrest complaints from the Lay Judges, who in some places made sport at their Miseries and Oppressions, as if nothing had been too hard or insupportable for their shoulders; now those days through Mercy are over, and must be forgotten, to receive almost in all places the same hard measure from their pretended well-

wiſhers, *This ſtrikes to the very heart.* When no regard is had of all their paſt ſufferings; Firſt-fruits, Tenths, (no ſmall ſtanding revenue of the Crown, amounting as ſome compute to near 40000 *l. per annum*) which they joyfully diſcharge, but they muſt ſtill be left to the arbitrary diſproportionate Impoſitions of every Domineering inſolent Officer: The conſideration hereof hath convinced many (formerly of a different perſwaſion) that 'tis not only uſefull but expedient, yea neceſſary for the Church, to have ſome of his own Ordering Power to protect them, and to hear and redreſs their juſt grievances. But what further concerns the Clergy's Priviledges and juſt Rights, being ſo learnedly handled by the Immortal *Spelman*, and the general ones ſo fully Collected by *Rebuffus de Stud. Priv.* and others, I ſhall not here any further enlarge upon them. The grand concern at preſent, and which we principally deſign is, how far they were Priviledged as to publick Aſſemblies and State Conſultations. And that the Holy *Conſtantine*, and many other famous Kings and Emperours have made uſe of their advice both at Home and Abroad, employed them in Embaſſies and other important Tranſactions hath been already demonſtrated. And here in the firſt place, if ſuch an argument could hope to ſway with us Chriſtians, it would ſoon be proved that thoſe who attended the Worſhip of the Heathen gods were admitted in *Greece*, the then moſt knowing and civilized part of the World, into their *Pan-Ætolium* and *Amphyctionian* Counſels. Amongſt the *Athenian Areopagites* and *Roman* Senators, and that the Old *Gauls* divided their ſtates in *Druidas* (who had *omnium rerum immunitatem*) *Equites*, *Plebem*, as the *Egyptians* before did into Prieſts, Soldiers and Tradeſmen. But leaving *Gentiliſme* we will haſten to Chriſtendome: And here once for all, deſire our Reader to conſider, that by the fundamental Conſtitutions of the moſt and beſt ſettled Nations in *Europe*, there are three States generally ſettled whereof the Clergy is ever one: Now to make this good, though we might produce variety of inſtances, yet we ſhall content our ſelves with the ſingle Teſtimony of *Calvin* alone, knowing that it will go farther with ſome, than a Jury of others, This we find expreſly aſſerted in his Inſtitutions, *l.* 4. *c.* 20. *Sect.* 31. *In ſingulis regnis tres ſunt ordines*, &c. which how to make up without the Spiritualty will be hard and beyond my skill. In our Neighbour Nation of *France* the practiſe is notoriouſly known, the ancient ſtile of the Royal Edicts always running, as 'tis Recorded of *Pepin*, *Ann.* 744. *Per Conſilium Sacerdotum & Optimatum ordinavimus*, *Per Conſilium Sacerdotum & optimatum ordinavit Carolomanus*, *Thuanus paſſim.* It might farther be noted that ſix Prelates are here Pairee of that great and famous Kingdom, three of them being ſtiled Dukes, and three Counts, See *Seldens Titles of Honours*, and yet the whole number of the Pairee exceeds not Twelve. As likewiſe the Arch Biſhop of *Paris* hath a peculiar indulgence in being preſent in every Court of that Royal City without exception *Chappinus.* Look we into *Hungary* where *Thwroczius* informs us that by the Fundamental Conſtitutions of King *Stephen*, the Biſhops in *Concilio Regis primi adſiſtunt.* *Poland* comes behind none in its Reverence and Reſpect for their Clergy, where the Arch Biſhop of *Gneſna* is *Primas Regni & Princeps primus*, *Staniſ. Kriſtanowick in diſcrip. Polon.* whoſe juriſdiction is not limited to the Spirituality alone, but hath the chief place in the Rank of the Senators aſſigned him, and is of the greateſt Authority in all publick Conſultations: And when at any time there happens an *Interregnum* (as it frequently doth in thoſe Elective Kingdoms) it belongs to him to ſummon a Dyet to give Audience to Forreign Embaſſadours, and to appoint a time and place for the Election of a New King. Our Author farther enlargeth this to have proceeded from the Piety

of

of the *Polish* Kings towards the Church, that the Sons of it should for ever hold the highest places in their Conventions, with many other Priviledges which to this day they enjoy in his own words, [*and he no Clergyman neither, but a Lawyer*] *Maximo illius Regni commodo, emolumento, adjumento, addo & ornamento.* *Cromerus* another Historian of that Country adds, that there is ever a Royal standing Council assigned the King, of which there is to be two Arch Bishops, and seven Bishops. And how considerable a number in all the *German* Dyets the Ecclesiasticks are *Panvinius* is a Witness beyond exception, who reckons thirty four Bishops that have their Votes there besides Abbots, Priors, *&c.* who pass for Religious Persons, and in the *Septemvirate* we find no less than three Clergy-men, *Mentz* Arch Chancellour of *Germany*, *Coln* of *France*, and *Triers* of *Italy*. I shall wholly out of this Collection omit *Spain* and *Italy*, as being such known vassals to the Pope, where the Clergy Rule the Roast. But one word dashes all this [with some] *They are Papists*, a doughty argument to condemn any thing though backed by never so strong reasons: And let us examine how matters stand with others, *Andreas Burens* in his Description of *Sueden*, acknowledges that the Ecclesiasticks were heretofore the *Prime men in the Senate*, till the Covetousness of *Gustavus* the first despoiled them of their Revenues: Yet since the Reformation, they still to this day retain their suffrages in all Publick Dyets of the Kingdom. And when the New Crowned King makes choice of his Counsellors, the Arch Bishop of *Upsal* is still the first, who is allowed a greater proportion of Attendants, when he comes to the King than any Noble man in the Nation, no fewer than Forty Horse being permitted him; whereas the retinue of the other Noble men must not exceed Thirty. And in the great Assembly at *Lincopen*, *Ann.* 1600. we find both Bishops and other Ecclesiasticks. And as to *Denmark*, *Pontanus* recites Seven Bishops as the Ecclesiastical Nobility, and these have their Votes in all Grand Meetings. *Jonas ab Elvervelt* distributes the States of *Holstein* into three Orders, 1. King and Princes. 2. Prelates. 3. The Families of the Nobles. And he makes the Bishops of *Lubeck* and *Slewick* the two *Prime* Peers in all their Dyets. In *Scotland* it is known that anciently the Bishops and Prelates were Essential Members of the Parliament, and had their Seats as ours here in *England* on the Right hand of the King: And in a Parliament held at *Edenborough*, *Ann.* 1597. a Vote passed for restoring the Clergy to their Original Priviledges, as the Third Estate in that Kingdom; the Learned Prince King *James* Condemning that Act of Annexing their Temporalities to the Crown as Vile and Pernitious, *Basil. Dor. l.* 2. *p.* 43. Then for *Geneva* it self, who is so much a stranger to that Reformation, as to be ignorant what a stroke *Calvin* and others had upon the Senate or grand Counsel, which gave occasion to that complaint of some, that they had expelled *One Bishop and admitted many.* If remoter Countries be to be regarded, amongst the *Abissines* the Clergy is *Paramount* in Affairs of all natures, and we read in *Damianus a Goes* of *Zaga Zaba* an *Ethiopian* Bishop Viceroy of *Bagana* sent Embassadour to the King of *Portugal*, *Dress. Orat.* In *Muscovy* their supreme Convention, which those Inhabitants call *Zabor*, consists of the great Duke, Twenty Ecclesiasticks, and as many Nobles, the common People being wholly excluded; and when they are met together, the Patriarch and Ecclesiasticks are always first Consulted, and first deliver their Opinion. I shall conclude this Paragraph, onely reminding, that neither the *Pagans* nor *Mahometans* are so inhumane or irreligious, or discourteous to their Priests as to deny them this Liberty: For that *Tully* acquaints us that it was the appointment of the Gods, that the *Roman Pontifices* should not only take care of their Religion, but

further

further *Summis Reipub. præesse voluerunt, Orat. pro dom. sua.* Nay at this very day the Barbarous *Turks* never exclude their *Mufti*, but allow him free entrance, and Vote into all their Divans and Counsels; yea the great *Sultan* himself so Honours the *Mufti*, that as often as he comes into his Presence, he rises from his Seat, and according to *their mode*, putting his hand to his breast, bows his head in token of reverence and Honour, which he shews not to any other Subject, and will hardly vouchsafe the like honours to the mightiest Monarch upon Earth.

CHAP. V.

Englands *more particular Respect and Kindness to the Clergy.*

I Might here be very large should I but give the World a brief account of the Honour which our *Saxon* Kings had for their Clergy, neither was this a matter onely precarious, and by the *Courtesie* (as we say) of *England*, *Sed ipsis confirmatum legibus*, *Spelm. Concil. Ep. ad Regem.* The Person who Ministred at the Altar was esteemed equal in all things *in censu pariter Capitis*, to the Lord of the Mannour or any Knight, *Leg. Æthel. c. ult. de Wirgildis.* The Abbot was esteemed no less than a greater *Thane* which now we call a Baron of the Kingdom. The Bishop of no inferiour Rank than the Count or Earl, *Qui integro fruebantur comitatu.* The Arch Bishop equal to any Duke, who might happen to be set over, and have the Rule of many Countries; for that saith the Learned *Spelman*, in these times our Kings gave always the greatest respect and honour to their Clergy; for that in their keeping were the Keys of Learning and Knowledge, the Seculars in the mean time addicting themselves most what to the Wars, so that in those times it came to pass that the Priests mouth was the Oracle of our Common People no less than of the King and Commonwealth; for that they had ever the first Place in our Commitia's and Assemblies, no less than in the Kings Courts of Justice, and Law Tribunals in the Kings Palace with the Nobles of his Kingdom in the Counties with the Comittees and Justices of the Counties, in the Sheriffs Courts [*turno Vicecomites*] together with the Sheriffs, the Bishops had their Adsessors, yea in the Hundred Courts, they or their Ministers sate together, with the Lord of the *Hundred*: so that one sword was ever helpfull to the other in the Administration of Justice, and nothing of moment was done in these Courts of Judgment, but by their advice and assistance, *Spelm. l. prius citat.* The practice of the Kingdom ran parallel with the Law; for in all Antient Charters and Laws which heretofore were passed and made by signing their names *cum signo crucis*, the Spiritual Lords ever preceeded the Temporal. In a donation of *Ethelbert*, *A.D.* 605. to the Monastery of St. *Peter* in *Canterbury*, the first witness subscribing it, is *Austin* the Bishop, and after him several Dukes and Earls, *Monast. Angl. & Spelm. Conc. passim.* In a Charter of King *Inas*, *Ann. Dom.* 725. To the Monastery of *Glassenbury*, after the Bishops, *Boorthwald* and *Fordred*, occur *Waldbere*, *Ethelherd*, *Ummin* and *Winchelin*, the greatest Peers in the Nation putting their Names. Not long after in a Grant of King *Offus* to the Abby of *Worcester*, *Ann. Dom.* 708. *Brotdran*, *Berthand*, *Eadbald*, and *Eadbald*, two Princes, and two Dukes, follows the Bishops. And at the same Kings Consecration at St. *Albans*, *Ann.* 793. No less than 10 Dukes, besides other

other Nobles give place to the Prelates. And to make an end, in a Charter of King *Edward* the Confessor to the Monastery of *Winchester*; immediately after the King subscribed *Plegmund* and *Frithestan* the Bishops, being followed by *Ethelward* the Kings Brother, *Athelstan*, *Elfward* the Kings two Sons, *Oredluf*, *Orcad*, *Brothulf* and *Heerferth* Dukes, many more of this nature might be produced out of the same Authors, and others, as standing monuments of the Clergies Reputation, and the Reverence our Religious Ancestors bare to their Functions, particularly the third Charter of King *Edward* the Confessor of the Foundation of the Abby of *Westminster*, where more particularly we find *Osberne* and *Peter* two of the said Kings Chaplains, signing the Charter before several of the Earls. And furthermore, here is Statute Law in the Case that this usage may not be thought to proceed meerly from the Curtesie of *England*, tis confirm'd by the Statute of the 31. *Hen.* 8. c. 10. Wherein all degrees and offices are placed in Assemblies and Conferences, and there the Arch Bishop of *Canterbury* as *primus Par regni* the first Peer of the Kingdom is ranked before all the Nobility, and Seated at the Kings right hand, next and immediately after the Royal Blood, and the Vicegerent, and the rest of the Bishops follow him in their due precedency, according to the Dignities and Aunciencies of their respective Sees. See farther, the Statute of 8. of *Eliz. c.* 1. where in that Statute they are called an high, and one of the greatest Estates of the Kingdom, nor were they ever excluded from the greatest Employments of Honours and Trust in the Kingdom, and to evidence, that this is not spoke without Book, we will subjoin a Catalogue of Churchmen Collected out of *Godwin*, *Malmesbury*, *Spelman*, *Dugdale*, and others, *&c.* that have born all, at least the most honourable Offices of State, and (how ever bespatter'd by some) discharged them with much integrity and repute; *England* owing more of its happiness to men of this Calling than any other, though it cannot be denyed but some miscarriages might be here and there found, and yet as few as can be expected in such a Multitude: and if a man were disposed to find fault, he might without much pains takeing two for one in Critically examining any other Profession. Let us begin then with *Englands* Metropolitan, to whom this Primacy justly appertains, and take the rest in Order, onely premising this, that tis true indeed we find fewer of this See upon the Civil Stage than any other, most Offices being lookt upon as below the Archiepiscopal Dignity, and therefore a Nobleman upbraided *Hurbert* Arch Bishop 1199. when he was made Chancellour of *England*, Chief Justice of *England*, and high Governour of all the Dominions under King *Richard* the first, however we shall begin with his Person and See.

Canterbury.

Hubert under *Richard* 1. and King *John*, who intrusted the same Prelate with the Government of the whole Realm at his departure into *Normandy*. *Gualter*, *Reynolds* Chancellour, *Ann. Dom.* 1310. *John Stratford* Chancellour under *Edw.* 3. And when the King Invaded *France*, no Person thought so fit in his absence to have the Government of the Nation entrusted to him. *Simon Islip* of the Privy Counsel to the *Edw.* 3. *John Stafford* to *Hen.* 5. *John Morton* to *Hen.* 6. and *Edw.* 4. But we need not stand upon this, when in truth it hath been seldom known that any of them have been at any time omitted: Nor was this proper only to the times of Propery: Come to the Reformation, we find Arch Bishop *Cranm-*

of the Privy Counſel to *Hen.* 8. and *Edw.* 6. and very active in Civil matters, yet a man ſo averſe to *Rome*, ſo inſtrumental in planting the Goſpel, ſo Laborious, ſo Holy, that a great Apocalyptical man Mr. *Brightman*, *in his Commentaries on the Apocalypſe* [*a man no friend to the* Hierarchy] *takes him to be that Angel pointed at by God*, Rev. 14. *that had power over the fire.* Under the renown'd Queen *Elizabeth*, *John Whitgift* of the Council, and had the Government of the Principality of *Wales* given to him.

YORK.

Walter Gray Chancellour under King *John*, had the Government of the Realm entruſted to him under *Hen.* 3. *William de Melton* Succeſſively Treaſurer and Chancellour of *England*, 1317. *William de Zouche* Vicegerent to King *Edw.* *Ann. Dom.* 1346. *John Kemp*, *Ann.* 1425. twice Lord Chancellour. And *Thomas Young* Lord Precident of the North, *An. Dom.* 1561.

LONDON.

There was not long ſince to be ſeen in St. *Pauls* the Monument of *William* Biſhop of *London*, who obtained from the Conqueror the City Charter, to which the Lord Major and his Brethren the Aldermen uſed in a gratefull Commemoration every year to walk on foot: He was Privy Counſellor to King *William* the Conqueror. *Mauritius* Chancellour under the ſame King. *Euſtachius de Falconbridge* one of King *Rich.* 1. his Juſtices, Chancellour of the Exchequer, Treaſurer of *England*, and twice Embaſſadour into *France*. *Henry de Wingham* Chancellour under *Edw.* 3. *Ralph Boldoc* under *Edw.* 1. *Richard Bintworth* under *Edw.* 3. *Robert Braybrook* under *Rich.* 2. *Richard Cox* Dean of *Weſtminſter* (whom I crave leave to name here as belonging to the Dioceſs) of the privy Counſel to *Edw.* 6. And Biſhop *Bancroft* ſent Embaſſadour to *Embden*, to treat with the King of *Denmarks* Commiſſioners, *Ann. Dom.* 1600.

DURHAM.

Geoffrey Rufus Chancellour of *England*, *Ann. Dom.* 1140. *Richardus de Mariſco*, *Ann. Dom.* 1217. *Anthony Beake* of the Privy Councel, *Ann. Dom.* 1294. *Richard de Bury Cancellarius*, *Ann. Dom.* 1334. and Treaſurer, *Ann. Dom.* 1336. *Thomas Langley* Chancellor, *Ann. Dom.* 1406. *Thomas Ruthal* of the Counſel to *Henry* 8. and as his Monument at *Weſtminſter* teſtifies, Secretary to *Hen.* 7. *Richard Neyle* of the Privy Council, *A. D.* 1627. And here we cannot omit that known paſſage of *Newbrigenſis*, who brings in *K. Richard*, making himſelf merry with the Biſhop, boaſting what a feat he had done, *E Vetuſto Epiſcopo novitium Comitem ego mirus artifex feci*, *To make a New Count of an Old Biſhop*, a Priviledge yet continued to that Ancient See.

WINCHESTER.

Swithan Chancellour of *England* under *K. Egbert*, *Ann. Dom.* 860. *William Giffard* Chancellour under the Conqueror, *William Rufus*, and *K. Henry* 1. *Peter de la Roch.* Lord Chief Juſtice under *K. John*. *Sendall* Chancellour, 1316.

William

William Edenden Treasuer under *Edw.* 3. *William* of *Wickam*, Founder of New Colledge in *Oxon*, Principal Secretary of State, Keeper of the Privy Seal, Master of the Wards, and Treasurer of the *Kings* Revenues in *Europe*, *Ann. Dom.* 1360. *William Wainfleet* Founder of *Magdalen* Colledge *Oxon*, for his great Wisdom and Integrity long Lord Chancellor of *England* under *Hen.* 6. *Richard Fox* (Founder of C. C. C. *Oxon*) one of the Privy Counsel to *Hen.* 7. (a Prudent a Prince as this Nation hath known) and this Bishop as wise a Privy Counsellor as he a Prince) continually employed either in matters of Counsel at home, or Embassies and Treaties abroad.

EXETER.

William Longchamp Chancellor, *Ann. Dom.* 1189. after Chief Justice and Protector of the Realm, when *K. Richard* the first undertook his Journey to the Holy Land. *Eustacius* Chancellor, *Ann. Dom.* 1196. *John Hotham* Chancellor, *Ann. Dom.* 1317. *Simon Langham*, *Ann. Dom.* 1361. first Treasurer, then Chancellor of *England*. *John Barnet* Treasurer, *A. D.* 1366. *John Fordham* Treasurer, *Ann. Dom.* 1385. *William Gray* Treasurer, *Ann. Dom.* 1469. *John Alcock* Chancellor, *Ann. Dom.* 1486: And *Thomas Goodrick* Chancellor under *Edw.* 6.

LINCOLN.

Robert Bleuet Chancellor under the Conqueror, *Ann.* 1092. *Alexander* under *K. Henry* the I. Lord Chief Justice of *England*. *Galfridus* Chancellour, *A. D.* 1180. *Hugh de Wells* Chancellour. *Ann. Dom.* 1209. *Walter de Constantiis* Chancellour under *Hen.* 6. and Dr. *Williams* Dean of *Westminster*, and after Bishop of this See made Lord Keeper by the Learned *K. James*.

COVENTRY and LICHFIELD.

Roger de Wiseman Keeper of the Great Seal, *Ann. Dom.* 1245. *William de Langton* Treasurer, *Ann. Dom.* 1226. *Roger Northbrough* Clerk of the Wardrope, afterwards Treasurer, *Ann. Dom.* 1332. *Geoffrey Blyth* Lord President of *Wales*, *Ann. Dom.* 1513. *Rowland Lee* his Successor in the same Office, *Ann. D.* 1535. *Richard Sampson* in the same, *Ann. Dom.* 1537. *William Smith* Founder of Brazen-Nose Colledge *Oxon*; in the same under *Hen.* 8.

SARUM.

Osmond Chancellor of *England*, always of the Privy Council, and seldom separated from the Court, under the Conqueror. *Roger* Chancellor, 1107. and under *K. Stephen*, *Ann. Dom.* 1136. *John Waltham* Master of the Rooks, *Keeper* of the Privy Seal, and after Treasurer of *England* under *Richard* the II. *Nicolas Bubwith* Treasurer, *Ann. Dom.* 1407. *William Ayscoth* Clerk of the Counsel, *Ann. Dom.* 1438.

BATH

BATH and WELLS.

Robert Burnet first Lord Treasurer then Chancellour of *England*, and always of the Council under *Edw.* 1. *John Drokensford* Keeper of the *Wardrope*, *Ann.* 1309. *Robert Stillington* first Keeper of the Privy Seal then Chancellour, *Ann. Dom.* 1465. *Oliver King* Principal Secretary of State, 1492. *John Clark* Master of the Rolls, (*A. D.* 1523.

EXETER.

Leofricus first one of the Privy Counsel, then Chancellour of *England*, under the Conqueror, though Sir *Henry Spelman* reckons him of *Bath* at that time, and possibly he might be of both. *William Brewster* of the Privy Counsel under *Henry* the 3. *Walter Stapledon* Founder of *Exon* Colledge *Oxon* first of the Privy Counsell, then Treasurer under *Edw.* 2. *John Grandesson* Privy Counsellor to *Edw.* 3. *John Voysey* Lord President of *Wales* under *Hen.* 8. *Gervase Babington* Vice President of *Wales*, *A.* 1597.

NORWICH.

Hen. 2. by a special Commission makes the Bishops of *Norwich*, *Wincheſter*, and *Ely*, Lord Chief Justices of *England* in my Authors words, *Radalphus de Diceto*, *Archi Justiciarius Angliæ*, who there adds, Clergymen were pitched upon by the Kings for this employment, rather than others, for that they were the likeliest persons not to oppress the poor, nor to respect the face of the Rich. *John Salmon* Chancellour, *A. D.* 1319. *Robert Baldock* Chancellour, *An. Dom.* 1324. *John Wakering* Lord Keeper of the Privy Seal, *A. D.* 1416.

HEREFORD.

Thomas Cantelupe Chancellour, *A. D.* 1275. *Thomas Charlton* Lord Treasurer, 1329. *John Gilbert* in the same employment, 1386. *Thomas Melling* of the Privy Counsel to *Edw.* 4. *Charles Booth* Chancellour of the Marches of *Wales*, *Ann. Dom.* 1517.

WORCESTER.

Galfridus Giffard Lord Chancellour of *England Ann. Dom.* 1267. *Walter Reynold* first Treasurer then Chancellour of *England* under King *Edw.* 2. *John Barns* Lord Treasurer *Ann. Dom.* 1362. *Henry Wakefield* Treasurer, *An. Dom.* 1376. *Nicholas Heath* Lord President of *Wales* and Chancellor of *England* under Queen *Mary*.

CHICHESTER.

Ralph Nevil Chancellor of *England*, *Ann. Dom.* 1222. But Sir *Henry Spelman* reckons it 1226. who saith he was appointed to that Employment by Parliament. *John de Langton* Chancellor under *Edw.* 1. and 2. *John Stratford* Lord Chancellor

Anno

Ann. Dom. 1360. *Adam Molins* Clerk of the Privy Council, *Ann. Dom.* 1451. And that very Learned Prelate and industrious Preacher *Lancelot Andrews* Privy Councellor of *England* and *Scotland*, under a Prince who knew the worth of Learning, and advanced it accordingly.

ROCHESTER.

Walter de Merton Founder of that Colledge that bears his name in *Oxon*, Lord Chancellor of *England*, *Ann. Dom.* 1274. *John de Shepey* Lord Treasurer, *Ann. Dom.* 1358.

OXFORD.

Hugh Curwyn Lord Chancellor of *Ireland*.

St. DAVIDS.

Adam de Houghton Lord Chancellor of *England*, *Ann. Dom.* 1376. *Lindwood* the famous Canonist Lord Keeper of the Privy Seal, *Ann. Dom.* 1440, and a person much employed in Embassies to the King of *Spain*, *Portugal*, *&c.*

I might here add several Deans and Arch-Deacons promoted to the same and like Dignities, and with industrious Mr. *Stow*, take notice that till the dissolution of Abbies and Monasteries, the Prior of *Christ Church* in *London* was ever a Member of the Court of Aldermen; and that the Dean of *Westminster* is by his Charter allowed no small interest in the Government of that Neighbouring City. But I shall not nauseate the Reader any longer with the repetition of any more antient names, but observe (as others have done before me) that in the Catalogue of Chancellors Recorded in *Spelmans Glossery*, amounting to about 170, near a 100 of them were Clergymen, more than all the other Professions put together can make up.

These then are the Honours which (if any humane Testimony can make a thing certain by an uninterrupted Custome (equal to Law) which Wise Antiquity in the best of times gave them, through all the *Saxon*, *Danes*, and *Norman* times, without Controul and Dispute till within these 40 years or thereabout, since which *England* hath groaned under the very great sin of Dispiseing the Embassadors of Christ, and with some *it hath been no small step to preferment to rail at them, to murmure at, and decry their advancements for secular ends of their own, yea to rank the great Trustees of Souls with the vilest Peasants in the Nation*; as if there were no better way to shew their Love to their Redeemer, and their own Christianity, than by hatred to his Servants who conveyed it to them; as if men had no other way to manifest their respects to the *Majesty of the great God, but by powring out contempt and obloquy upon those who represent his Person.* And thus *Corah* and his accomplices great complaint and grievance against *Moses* and *Aaron* was, That they were too high, took too much upon them, *Numb.* 16. They were advanced and honoured above the rest, this was the main Eye-sore, but the revengeing hand of God would not then bear it. Nay have we not here in *England* dureing our late and unhappy troubles, heard such Language as this (nay have we not seen the thing reduced into practise?) *All the Congregation is Holy, and one may Preach as well as another*: Thus would these Sons of

Confuſion have brought upon us a *Munſter Confuſion and Diſorder*, by taking away the *Diſtinctions of Callings*. The Wiſe God (we know) appointed it otherwiſe under the Old Teſtament, when every one we know was not admitted to the Prieſthood. We cannot but think, that there were 1000 in *Iſrael* who knew *how to kill, ſlay, and dreſs a Sheep, Ox, or Goat, as artificially as the Sons of* Levi, *yet none ever attempted it in reference to the Altar without a ſevere rebuke.* And was *Moſes* a more Prudent *Lawgiver* or *Steward* of Gods houſe than Jeſus Chriſt *the Wiſdom of the Father*? Would it be ſuffered in humane Societies, in any well regulated Corporation that every man who ſhould conceive himſelf fitter to diſcharge an Office, manage a Trade, Husband an Eſtate, ſhould preſently exclude another legally poſſeſt of it, and invade his propertys? grant this, and farewell Government, and welcome *Babel*. Let me ſay it once for all, *'tis folly for any to expect the proſperity of the Nation*, whilſt the Clergy of it is in Miſery, a Low and Deſpicable Condition, whilſt the ſacred Function is depoſed, nay with black ingratitude revil'd; to whoſe learned labours do we owe the Tranſlation of our Bibles, and who, (as before once was intimated) under God were the principal Inſtruments of delivering us from that *Egyptian* Darkneſs our Forefathers ſate in: Is not this like the Deer we Read of in *Plutarch*, who browſed on that Buſh in a Calm he was glad to creep under in a Storm? Certainly they are not worthy the Name of Chriſtians or Friends of the Goſpel (whatever their pretences may be) that deſpiſe and vilifie the Miniſtry, than which, nothing more beſpeaks a vile and reprobate Heart. We all know that under the Law preſumptuouſly to riſe againſt the Prieſt was puniſhable with no leſs than Death, *Deut.* 17. for theſe are the Embaſſadors of the King of Heaven, and how ſacred ſuch perſons were eſteemed by the Laws of all Nations, all Hiſtories do abundantly Witneſs: 'twas the ſhame of our Neighbour Nation of *Scotland*, the Murder of the late learned Prelate there, and that ſmall indignities offered to perſons of his Rank have been highly reſented; the *Ammonites* are a laſting Teſtimony in the days of King *David*, and proud *Corinth* was for no other reaſon burnt to aſhes by the enraged *Romans*, *Florus*.

CHAP. VI.

The Antient Eſtate of our Biſhops and Clergy under the times of the Britains, Saxons, Danes *and* Normans.

WHat incouragement the Clergy found in the times of the *Britons* will appear to have been very great if we will but read Arch Biſhop *Uſher de Primordiis Eccleſiæ Britanicæ*, through the Series and Succeſſion of Kings, who when Converted to the Chriſtian Faith, were not ſcanty in Conferring Honours and Riches upon them: See him in his Sixth Chapter under theſe Reſpective Heads, *Antiquitatis Glaſtonienſis Eccleſiæ aſſertio & nova ab Ina rege inſtauratio. Privilegia varia eidem a Saxonibus Regibus. Arthur. donatio & Sepulchri inventio*, Hen. 2. & Edw. 3. *Diplomata. Poſſeſſiones & libertates Eccleſiis a Lucio Rege Tributæ. Wintonienſis Eccleſiæ libertates & Antiquitates. Fundatio Eccleſiæ Sancti Petri Weſtmonaſterienſis. B. Marcæ Doverienſis & Sancti Martini Cantuarienſis.* Afterwards in his 7th Chapter, *De pace Britanici Eccleſiis poſt cæptam perſecutionem Conſtantio Chloro, Aug.*

Aug. Conſtan. M. patre reſtituta. And afterwards in his 8th Chapter of the *Britiſh* Biſhops, *Qui variis conſiliis interfuerunt, Concilio Arelatenſi, Sardicenſi & Ariminenſi*; where any perſons may receive ſatisfaction of the Clegys Honour in thoſe firſt *Britiſh* times. In the times of the *Saxons* what their immunities were will appear if we inſtance in but one ſingle one, as more eminent and glorious than the reſt (*viz.*) Their Admiſſion to all Publick Debates and Aſſemblies. Such were (1) their *Scire Gemotts*, which *Spelman* and other Learned Antiquaries reſemble to our County Courts, and Sheriffs turn in which all cauſes both Criminal and Civil, concerning Church or State were handled; the perſons bound to be preſent were the Sheriff, the Biſhop and all the Nobles of the County; till at laſt upon their humble Petition in Parliament, the Clergy were diſpenſed with by the Statute of *Marleborough*, 52 *Edw.* 3. unleſs urgent neceſſity required it. Secondly, their *Folk Gemotts* a kind of Annual Parliament commonly held in the beginning of *May*, in which the Princes of the Kingdom, Biſhops, and Magiſtrates, and the Laity took the Oath of Allegiance, and confirmed their mutual Union before the Biſhops. The Original of this is intimated to be as high as King *Arthur*, *Vid. Leg. Edw. Confeſſ.* 35. Thirdly, their *Wittena Gemotts*, or *Michel Synoth*, the grand Convention of their Wiſe men. Theſe who deſires to look farther into, may have recourſe to *Spelmans* laborious Gloſſary, *V. Gemot.* Now out of none of theſe were the Clergy excluded, but ever reckoned an eminent and principal part of each, their Counſels Votes and Approbation demanded and given before any Laws were conſtituted.

For Proof of this, we ſhall look back above 1000 years to the Laws of King *Ethelbert*, and the Authors we ſhall produce, and on whoſe Authority we lean are *Bede*, *Spelman*, and *Lambard*. And as to King *Ethelbert* preſently after the arrival of *Auſtin* the Monk here in *England*, we find as *Spelman* hath it in *Spelm. Conc.* 126. The King to have called a grand Aſſemby, *A.* 605. *Tam cleri quam populi.* In the Laws of King *Ina*, which *Florentius Wigornienſis* dates, *Ann. Dom.* 686. *Spelm.* 692. *Lambert* 712. we find theſe Laws were made and wrote by the perſwaſion and advice of his Biſhops *Hedda* and *Erkenwald*; and though the Learned *Spelman* Excerps out of the body of thoſe Laws only thoſe which more particularly relate to the Church, as being only proper for this deſign, yet *Lambard* mentions many Civil matters there determined. And when the great League and Union between the *Britons*, *Saxons* and *Picts* was concluded, we find it Ratified *per Commune Concilium & aſſenſum omnium Epiſcoporum, Procerum, Comitum & omnium ſapientum ſeniorum & populorum & per preceptum regis Inæ.* The very manner of our paſſing Laws in Parliament now uſed in *England*, *Bed. Eccleſ. Hiſtor. l.* 1. In the Laws of King *Athelſtan* about the year 924. (*Spelm.* 922) there's no mention of any other Counſellors for the enacting, though certainly the form was the ſame, but his *Arch Biſhop Uſhelme* and his other Biſhops, and theſe were at leaſt the prime perſons there, though the Body of the Laws concern ſecular affairs. *Spelman* ſelecting only Eccleſiaſtical, yet in the Title he owns others paſſed. In the Laws of *K. Edmund* about 946. the King had a full meeting of Eccleſiaſticks, and Laicks at *London*, in which were preſent *Odo* and *Wulſtan* the Arch Biſhops, none of the reſt though without doubt there preſent once named. Again 948. to a great Convention of the Eſtates at *London* under *Edred*, Writs of Summons are iſſued out to the *Arch Biſhops* and *Biſhops*, and yet their *agitur de negotiis Regni*, *Ingulph. p.* 87. *Spel. Conc.* p. 428. Come we to the *Danes*, 1021. we find a Publick Aſſembly called at *Wincheſter* by *Canutus*, where were preſent *Wulſtan* and *Adelholme* the Arch Biſhops with

with other Biſhops Dukes and Earls, &c. *Spelm. Conc. p.* 534. Now dureing theſe two Periods theres no mention of Baronies, but all the Churches tenure was in *Pura Eleemoſyna*, *Frank Almoigne* and the Biſhops ſate onely as eminent Prelates by vertue of their Spiritual Dignities; for there being hardly any Laws but ſome way or other concerning Religion, and the good of Souls: therefore in the enacting of them the Cergy was ever required by our Prudent Anceſtors. Thus much for the Grand Aſſemblys, ſtiled uſually by the Learned Knight Sir *Henry Spelman Pan Anglica* and *Pan Britanica*. We will only mention the Private Statute of King *Edgar* which was thus, *ex omni comitatu bis quotannis conventus agitur cui quidem illius Diocæſæ Epiſcopus & Senator interſunto, quorum alter jura divina alter populum edoceto.* Nor doth Mr. *Selden* no friend of the Clergy ever deny or queſtion but the Biſhop was joyned in Commiſſion with the Aarlderman, nay he expreſly affirms the ſame Titles of Honour, *l.* 2. *c.*5. Hitherto of the *Britiſh*, *Saxon*, *Daniſh* Governments, paſs we down to the *Normans*, and here we have King *William* ſolemnly with an Oath ratifying the Laws of St. *Edw.* the Confeſſor, and this particularly is added. *Si quis ſanctæ Eccleſiæ pacem infregerit Epiſcoporum eſt Juſtitia, Lambard, p.*139. And in ſeveral Old Precidents of Grants ſuch Clauſes as theſe Occur, *Nolumus quod libertas Eccleſiæ per nos vel miniſtros noſtros quoſcunque aliqualiter violetur & jura & libertates Eccleſiaſticas illæſas volentes in omnibus obſervari.* Yet more particularly in a Charter to the Church of St. *Pauls* in *London*, *Tam liberam volumus Eccleſiam, D. Pauli London, quam ſit anima mea in die Judicii.*

And here now at laſt we come to that great change in the State Eccleſiaſtick, the Biſhops who had ever enjoyed the privileges of *Majores Thani* among the *Saxons* are tranſlated to Barons, which gave occaſion to that groundleſs error of ſome, to date the firſt ſitting in Parliament hence, as if the Conquerour to curry favour with the Clergy, and the better to ſettle his new gotten *Kingdom*, confered this Honour upon them; But certainly if there were truth in this, the Clergy are much to blaim, and very ungrateful to their Patron *K. William*, for that we find them looſers by his favours, and looked upon their Condition under him much worſe than before, and all the Writers of that Age muſt be corrected for repreſenting him, as a perfect Enemy of the Church. To clear up this we will only give you one Inſtance, cited from an Old Record, Entituled, *Liber Sancti Albani*. Where we read this Paſſage of *Frederick* the then Abbot of *St. Albans*, that to obſtruct the March of the Conquerour, he cauſed all the Trees round to be cut, and laid them croſs the ways, wherewith the Conquerour being ſtopt in his march ſent in ſome paſſion for the Abbot, who under his ſecurity coming to him, the Conquerour demands the Reaſon for the cutting down the Woods, the Abbot reſolutely anſwers him, that I have done, but what became me, and if all the *Spiritual Perſons* through the Kingdom had uſed their Endeavours againſt thee, as they might and were in duty bound to have done, Thou wouldſt never have been able to have entered the Land thus far. The Duke then replying, *Is the Spiritualty of England of ſuch Power? if I live and enjoy that, which I have gotten, I will make their Power leſs.* Add to this that ſtategem of the *Kentiſhmen* in ſurrounding the King, and forcing him to a Compoſition, which they did under the Conduct of *Stigand* their Arch-Biſhop, which thing ever after netled him, and that he was never heartily reconciled to the Church. and proved afterwards as good as his word to the *Abbot*, oppreſſing the Clergy all his Reign, bringing them under Knights-Service, and Ordering how many Souldiers each Biſhop ſhould maintain for him and his Succeſſors: the Church, as beforeſaid, being ever

free

free from that bondage. Let no Man then say, that the Conqueror (who was ever look'd upon by the Bishops as their Enemy) did them any *Acts of Grace* or *Favour* by erecting each *Bishoprick* into a *Barony*, which thing was ever by the *Bishops* look'd upon as a grievance, and a more glorious piece of slavery. This was indeed a shrew'd shaking to the *Bishops*, yet still they preserv'd their Votes in all *Assemblies*, and Parliamentary Summons are ever directed *Archiep. Ep. &c.* all antient Charters and Grants subscribed after the usual Form in those times, *Testibus Archiep. Ep.* In a Treatise Entituled, *The Form and Manner of keeping Parliaments*, whereof it seems there are two very antient Copies, the M.S. in *Arch Bods*, the other in Sr. *Rober Cottons* Library, the first of which was perused by *Mr. Selden*, and he allows it to be as long standing, as *Edw. 3d.* but the Lord Chief Justice *Cooke* adds near 200 years more, and raises it to the *Conqueror's* time (which the Title indeed pleads for) we are here told, that 40 days before Summons are to be issued out to the *Archbishops*, *Bishops*, and other great *Clarks*, that held by *County* or *Barony*, and that the *Clergy* in each Shire are to have Two *Proctors* representing them, which in some things had more Power than the *Bishops*, for we are there informed, that the K. may hold a *Parliament* for the *Commonalty* of the Realm, without *Bishops*, *Earls*, or *Barons*, so they had summons, though they come not, but on the contrary, if the Commonalty of the *Clergy* and *Temporalty* being warned, either doth not, or will not come, in this Case whatever the King doth with his *Bishops*, *Earls* and *Barons* is of none effect, for that to all *Acts of Necessity* the *Commonalty* of *Parliament* must consent, i.e. the *Proctors* of the *Clergy*, *Knights* of the *Shire*, *Citizens* and *Burgesses*, for their Persons represent the *Commonalty* of *England*, but the *Bishops*, *Earls*, and *Barons* represent only their own Persons. There is, they say, another M.S. in *Bibl. Cotton*, confirming the same, and citing other large Priviledges of the *Clergy*, I know indeed Mr. *Prinne* hath questioned the *Authority* of both these books, in Bar of which I return the Authority of *Cooke* and *Selden*, and particularly the first, who saith, in his *Institutes*, that 26 Spiritual persons ought *ex debito Justitiæ*, to have a Writ of Summons sent them every Parliament. These things premised, we will now desire of the Clergies greatest adversary that he would produce instances of any solemn meetings, *Wittena gemots* or Parliaments whereunto the Clergy were not summoned; any Statutes publickly enacted during all the Christian *British*, *Saxon*, *Danish*, or *Norman* times, without their assistance and advice. As for the precedent of their Exclusion under *Edw.* 1. at the Parliament held at St. *Edmondsbury*, which some triumph in, if there be any truth in the Narrative (as hath been, and is still, questioned) we know, and can prove, 'twas done in a pett and transport of Royal displeasure for their too obstinate adhering to the Bishop of *Rome* in the *Scottish* quarrel, and for their noncompliance with their Kings demands. Who yet the very next Parliament, about a year after, makes an Apology for this charging all upon the Exigencies of his affairs. And why should this single instance so circumstantiated be urged more against the Clergy than that other is against the Lawyers who were shut out of a Parliament under *Henr.* IV. where we yet find the Bishops and amongst others, *Thomas Arundel* stoutly resisting and preserving the Clergies Temporalities, which these Church-robbers gaped after, who, so they might *spare their own Purses were content to spoil their God to relieve their King.* Certainly if envy it self could have found the least colour of Law to deny them this privilege it had never been reserved for this last, and our most unhappy age. Many times have they been struck at, many great blows have they received,

ceived, as at *Clarendon*, under *Henr.* II. where their wings were indeed much clipt, yet their privilege of ſitting and voting in Parliament is left entire to to them for that the words are *Epiſcopi interſint Curiæ Domini Regis cum Baronibus quouſque perveniatur ad diminutionem membrorum vel mortem*, and though they never voted of late in Capital Cauſes, yet that they however made their Proxies I hope ſhall be made appear by what follows, together with their forbearing to vote in Capital Cauſes, and the reaſon of it ſhall be farther diſcourſed of.

CHAP. VII.

The Eſtate of the Biſhops and Clergy from the Conqueſt (as to their Voting in Capital Cauſes in Parliament) till the times of King Henr. VIII.

WE have before intimated the common uſages and rights of the Biſhops to ſit and vote in Parliaments in all antient times, and that as Peers and Barons of the Realm, we now aver they have a Power to ſit and vote in all, as well Criminal as otherwiſe, either by themſelves or Proxies lawfully conſtituted, which is a privilege of the Peerage, and therefore, belongs to the Biſhops as ſuch, 'tis very well known what Mr. *Selden* hath wrote in his Book of *The Privileges of the Peerage of* England, that the Biſhops was debarred of their privileges by an Act of Parliament 17 *Car.* I. *Ann.* 1641, and that he was a great notorious ſtickler in it, but 'tis as notorious that not long after we find the Commons, nay a ſmall and inconſiderable part of that Houſe, voting the Temporal Lords uſeleſs and dangerous, and that how they were enabled by being aſſiſted by the help of *Cromwell* the late Uſurper, and the Army, to accompliſh what they had begun, and the bad conſequence of all we have ſeen with our eyes, and Biſhops God be thanked reſtored to their undoubted Rights and Privileges, and that for as much as they were equally Barons (nay the Biſhops had uſually the firſt in Summons) they have alſo equal privileges to make their Proxies in Parliament as the Temporal Barons had, we confeſs, as before, for that they were Spiritual perſons they were not by the Council of *Clarendon* to ſit in Capital Cauſes, and loſs of limb, but then we muſt know that long before this they both had and exerciſed this Power, as may be made appear out of *John Crampton's Chron.* c. 24. where amongſt the Laws of *Athelſtane* we read, *Epiſcopo jure pertinet omnem rectitudinem promovere Dei* (viz.) *& ſæculi & debent Epiſcopi cum ſæculi judicibus intereſſe judiciis*, and the ordering of all the Meaſures and Weights is there made of Epiſcopal cognizance the Standard being ſtill left in the Biſhops hands, and out of Sir *Henry Spelman's Gloſſary*, *voce Comes*. *Comes præſidebat foro comitatus non ſolus ſed junctus* Epiſcopo, *ut alter alteri auxilio eſſet & conſilio, præſertim Epiſcopus Comiti nam in hunc illi animadvertere ſæpe licuit & errantem cohibere*, ſo much confidence did the Antients repoſe in the Clergy that the guidance and overſeeing of moſt temporal affairs was entruſted to them, nay, they had a check upon the Laity. And thus lovingly with all ſweetneſs and candor for 4 or 500 years, during all the *Saxons* times and till that unhappy diviſion by the Conquerour, who defaced this beautiful and regular compoſure did the Church and State-Officers ſit together in the morning

morning determining Eccleſiaſtical affairs, and in the afternoon Civil. There were then no jars or claſhings of juriſdictions heard of, *no prohibitions iſſuing out of one Court to obſtruct the courſe of Juſtice in another*; thereby hampering the poor Client that he knew not which way to turn himſelf; and I am perſwaded there is no better expedient to prevent laſting vexatious ſuits, and to relieve the oppreſſed, than again to reconcile theſe two juriſdictions, that according to the primitive uſage as well Spiritual as Temporal Judges may be appointed in all Courts, that *Moſes* and *Aaron* may not interfere and quarrel, but walk hand in hand. Though I know this deſign does not reliſh with many of the *Long Robe*, yet 'tis feared that attempting ſome ſuch thing purchaſed the late Archbiſhop *Laud* no few enemies, and was one eſpecial cauſe of haſtening his ruine: yet we find Mr. *Selden* a Lawyer too, *lib.* 2. *de Synedriis*, proving that for the firſt 4000 years and better the Civil and Eccleſiaſtical Courts continued united, and the firſt diſtinction proceeded from Pope *Nicholas*, *Gratian. Diſtinct.* 96. *c. cum ad verum*, and that the Clergy do not meddle perſonally to vote in loſs of life or limb proceeds from the Canons of the antient Church which forbad their preſence in caſes of blood, but I hope that no ſober man will hence argue that they being Barons of this Realm they muſt loſe their Priviledges which belong to the Spiritual Lords as well as to the Temporal; *viz. To make Proxies though in Capital Cauſes (when by the antient Canons of the Church they are forbid to be preſent,)* which they have done, and ſtill have right to doe comes next to be diſcourſed of.

And (firſt) I ſhall make uſe of Mr. *Selden's* authority, though no friend to the Biſhops, (for reaſons he beſt knew of) who expreſsly ſaith in his Book of the Priviledges of the Barons of *England*, Printed 1642. that *omnes Prælati, Magnates*, &c. had this Priviledge. *Introduct.* Though he ſays there they had loſt it by the Parliament 17 *Car.* 1. 1641. I hope now they are reſtored to it again, that they had before he gives you ſundry inſtances *Cap.* 1. theſe are his words § 2. *That the courſe of Elder time was not that Barons onely made Proxies but other men, as Biſhops, and Parliamentary Abbots, and Priors, who gave their Letters uſually to Parſons, Prebendaries, and Canoniſts. In the Parliament of* Carliſle *under* Edw. 1. *the Biſhop of* Exeter *ſent to the Parliament* Henry de Pynkney *Parſon of* Houghton *as his Proxy. The Biſhop of* Bath *and* Wells *ſent* William of Cherlton *a Canon of his Church, and in like ſort other of the Spiritualty of that time, in the beginning of the* 17*th year of King* Richard *the Second the Biſhop of* Norwich *made* Richard Corqueaux *being then Deane of the Arches,* Thomas Hederſet *being Archdeacon of* Sudbury *and* John Thorp *Parſon of* Epingham *his Proxies by the name of* Procuratores ſive Nuntii, *and in the ſame time the Biſhop of* Durham's *Proxies were* John Burton *Canon of* Bewdley, *and Maſter of the Rolls and* John of Wendlingborough *Canon of* London, *and other like in the ſame time. By which alſo that of the preamble of the Statute of* Præmunire *is underſtood, where it is ſaid that the advice of the Lords Spiritual that was preſent and of the Procurators of them that were abſent, was demanded. The like under* Henry *the* 4*th and* 5*th, are found in the Rolls, and under* Henr. 5. *the Archbiſhop of* York *gives the Proxies to the Biſhop of* Durham, *and to two other Clerks of his Province.* Nay farther, that the Biſhops uſed to give their Proxies in Caſes of Attainder, the ſaid Mr. *Selden* expreſly ſaith in the place forecited, and alſo what ſort of perſons they uſed to make their Proxies, he there likewiſe tells you, adding withal this unhandſom reflexion, *That the Lords Spiritual had ſo much miſtaken of late the Laws of the Kingdom, and the Original of*

their

their own Honours by endeavouring to enlarge the Kingdom of Antichriſt, that they had now (he means, *A. D.* 42) *loſt both Priviledge and Vote in Parliament.* All ſharp, Reply to which I ſhall purpoſely forbear. And ſecondly, proceed to ſhew you expreſs Precedents wherein they have Voted either Perſonally, or by Proxies in Capital Cauſes, and here I will produce Mr. *Selden* himſelf, the Biſhops adverſary become their advocate, who ſaith expreſsly *p.* 125. *lib. cit.* That though in the Caſe of Appeal of Treaſon in a Parliament of the 11 of *Richard* the Second; commenced by *Thomas* Duke of *Glouceſter* and others againſt *Alexander* Archbiſhop of *York*, *Robert de Vere*, &c. they abſented themſelves, I mean, the whole Spiritualty in that Parliament, and would make no Proxy in their room for that time, yet afterwards they agreed to do it in Caſes of Judgments of Death, *Rot Parl. 2 Henr. 4. & Rot. Parl. 2 Henr.* 5. But he there ſaith, that the firſt uſe of ſuch Proxies was 21 *Ric.* 2. ſo that we have him confeſſing the Biſhops ſitting in caſes of blood by their Proxies, the next authority I ſhall make uſe of, is a Parliament Roll it ſelf, of that year as I find it in Sir *Robert Cotton's* Collections intituled as followeth. *Placita Coronæ coram Domino Rege in Parliamento ſuo apud* Wegmonaſt. *die Lunæ proximæ poſt Feſtum Exaltationis Sanctæ Crucis Anno regni Regis* Ric. 2. *Poſt Conqueſtum* 21. The Roll it ſelf you may ſee in the Tower among the Records there kept. It is of an Impeachment of the Earl of *Arundel* and *Warr.* &c. for Treaſon, &c, the Articles were exhibited againſt him by ſeveral Lords, as *Edward* Earl of *Rutland*, *Thomas* Earl of *Kent*, *John* Earl of *Huntington*, &c. which the ſaid Lords were ready to prove the Crimes objected, and demanded the Priſoner to be brought to the Bar, which the Lord *Nevil* then Conſtable of the Tower did, and the aforeſaid Lords in their own Perſons appeared alſo. His Articles being read, the Earl of *Lancaſter* Lord Steward of *England* by the King's commandment, and aſſent of the Lords, declares the whole matter. And thereupon the ſaid Earl's anſwer to the *Articles* was demanded, who pleaded two Pardons, and prayeth they may be allowed, but they were not, whereupon Sir *Walter Clopton* Lord Chief Juſtice demands of him what he had farther to ſay, for that if nothing more to ſay the Law would adjudge him guilty. And the ſaid Earl not pleading any thing elſe, the Lords Appellants in their proper perſons require that Judgment may be given againſt the ſaid Earl, as Convict of the Treaſon aforeſaid. *Whereupon the Lord Steward of* England, *by the aſſent of the King, Biſhops and Lords, adjudged the ſaid Earl Guilty and Convict of all the Articles aforeſaid, and thereby a Traitor to the King and Realm, and that he ſhould be therefore Hanged, Drawn, and Quartered, and forfeit all his Lands in fee,* &c. though the Puniſhment, in regard he was of Noble Blood, was changed, and he was ordered to be Beheaded; which was done by the Lieutenant of the Tower, and this is a ſhort account of that Trial for Blood in Parliament. Where 'tis plain and evident that the Biſhops were there preſent, for 'tis ſaid, *that the ſaid Earl was adjudged Guilty and Convict by the aſſent of the King, Biſhops and Lords. Q. E. D.* Next we will produce another Inſtance and Precedent of the Condemnation of *Thomas Arundel* Archbiſhop of *Canterbury*, who was accuſed by the Commons in full Parliament, *die & loco prædictis*, where we find the Commons by their Speaker Sir *John Buſſy* Petitioning the K. in manner following. *For that divers Judgments were heretofore undone, forthat the Clergy were not preſent, the Commons prayed the King that the Clergy would appoint ſome to be their common Proctor with ſufficient authority thereunto.* Whereupon the Clergy appoint *Thomas de la Percy* by their Inſtrument their Proctor,

who

who together with the King and the ſaid Lords adjudged him the ſaid Archbiſhop guilty of Treaſon, and himſelf a Traitor. The Crimes objected to him was his traiterous obtaining a Commiſſion from the King, whereby the Kings Royal Power was encroached, his Subjects put to death without Royal Aſſent, &c. for all which he was found guilty as aforeſaid. What I obſerve in brief is this, from this Trial.

(1.) That there had been divers Errors in Judgment, which Judgments were in Law void, for that the Biſhops were not preſent, (2.) That hereupon the Commons Petitioned the King that the Biſhops would appoint their Proxy, and which accordingly they did *Thomas de la Percy*.(3.)He was Condemned by the ſaid Court wherein ſate *Percy* accordingly.(4.) That the ſaid Biſhops did not Vote there perſonally, for that the Arch-biſhop their Primate was Arraigned and it might not be ſeemly for them ſo to do. And here we have the Caſe adjudged, Judgments in Parliament Revers'd, for that the Biſhops were not Preſent by themſelves or Proxys, the Commons Petitioning the King that they would make Proxys, a Judgment obtained for that the Biſhops had made their Proxys. *Q. E. D.* And if any be not ſatisfied, they may ſee the Roll of Parliament as before, among the Records in the Tower to which they are Referred. Furthermore to make another diſcovery of the Inconſtancy of the ſaid Mr. *Selden*, I find him in his *Titles of Honour* in the latter end of his Book, Confeſſing that *Thomas Becket* Arch-biſhop of *Canterbury* was Condemned by the *Biſhop of Wincheſter* in Caſe of High Treaſon, *Vid. Titles of Honour*. And if any perſon would but a little reflect upon the Reaſon, why the *Biſhops* have not ſometimes Voted in Caſes of Blood but by their Proxies? (*viz.*) Their reſpect they had to the Canons of the Primitive Church, which might give them umbrage for their ſo doing: And together with this, what hath been ſaid before, of their being frequently appointed by the King, and acting as Lord Chief Juſtices of *England*, any perſon of an ordinary Capacity may gueſs at the Reaſon of their forbearing to Judge in Matters of Blood for the Reaſon aforeſaid, and their ready and chearfull compliance with their Princes Command; when by the Law of this Land they were enabled ſo to do, and which is a ſufficient *Superſedeas* to the former Canon of the Church. Another Precedent we have of the Biſhops Perſonally ſitting in Parliament held at *Weſtminſter* on Monday next after the Feaſt of *All Saints*, in the 3d, of *Hen.* 5. wherein *Henry* Biſhop of *Winton* was Chancellour, wherein was Tryed *Richard* Earl of *Cambridge* and others for Treaſon, for having Levyed men againſt the King, and procured *Edmund* Earl of *March* as Heir to *Rich.* 2. to take upon him to be King of *England*, and had Proclaimed him ſuch in *Wales*, and ſet one *Thomas Trompington* an Ideot and *Scotchman* to Perſonate *Rich.* 2. where the ſaid Earl, and others his adherents in that Action, were Tryed and found Guilty; the Lords Spiritual in Parliament being Preſent, &c. See the Records in the Tower, *Parl.* 3. *H.* 5. *p.* 2. *M.* 4. Many other Precedents of a later Date and Time might be here *Ex ſuperabundanti* added, but I ſhall referr them for the matter of another Chapter, they being all of them taken out of the Journals of the Lords Houſe beginning in 32 *Hen.* 8. and ending 29. *Eliz.* 2. I might have enlarged in theſe which I have taken out of the Tower, but I have purpoſely forborn to do it; for that I find Mr. *Selden* himſelf in the days of 1642. granting me the Matter of Fact as clear and evident from the *Ancient* Records in the Tower, of the Spiritual Lords Priviledges in this Matter. And will now proceed to another Argument that the *Biſhops* have Right to ſit in all Caſes as well Capital as Civil. For that (4.) they are undoubted Peers of the Realm; which alſo I find Mr. *Selden*

 himſelf

himſelf granting in his *Priviledges of the Barronage of* England, p. 192. For there he ſaith, *Though ſome have doubted* (we know whom he means) *whether the Spiritual Barons are Peers, he ſaith there, that they are ſo, is true and plain, and the Teſtimonies many & various, as in the Biſhop of* Wincheſter's *Caſe, who departed from the Parliament at Salisbury about the beginning of Edw.* 3. *and was queſtioned for it afterwards in the Kings Bench he pleaded to the Declaration,* Quod ipſe eſt unus e Paribus Regni & Prelatus, *and in that ſhort Diſputation of the Caſe, which is left in the Year Books; he is ſuppoſed both by the Court and Council to be a Peer.* But for this if his Authority be not good, the Year Books themſelves may be ſeen. Biſhop of *Wincheſters* Caſe, *Year Book*, 3 of *Edw.* 3. And *Paſ.* 3. *Edw.* 3. *coram Rege Rot.* 9. *Rep.* So afterwards ſee the Biſhop of *Londons* Caſe in the Year Book, 3 *Edw.* 3. in a Writ of Wards brought againſt the Biſhop of *London*; he pleaded to Iſſue, and the Defendant could not have a day of Grace; for he ſaid (as the words of the Book are) *That a Biſhop is a Peer of the Land,* & *Hæc erat cauſa,* Year Book, 3 *Edw.* 3. *fol.* 186. *pl.* 18. And in a like Caſe, an Action of Treſpaſs againſt the Abbot of *Abington* who was one of the Lords Spiritual, day of Grace was denyed againſt him, becauſe he was Peer *de la terre*, 13 *Edw.* 3. *Titulo Enqueſt.* So expreſly upon a queſtion of having a Knight returned into a Jury where a Biſhop was Defendant; the Rule of the Court was that it ought to be ſo, becauſe the Biſhop was a Peer of the Realm, *Plowden Comment. pl.* 117. So the Judgment given againſt the Biſhop of *Norwich* in the time of *Rich.* 2. he is in the Roll expreſly allowed to be a Peer. We find alſo *Stafford* Arch Biſhop of *Canterbury* upon his being excluded the Parliament under *Edw.* 3, thus challenging his place, *Ego tanquam major par Regni poſt Regem vocem habens juræ Eccleſiæ meæ tantum vendico, & ideo ingreſſum in Parlimentum peto.* The ſame may be made out farther by an *Aſſignment* of Errors under *Hen.* 5. for the revearſal of the Attainder of the Earl of *Salisbury*, one Error is *Aſſigned* that Judgment was given without the *Aſſent* of the Prelates which were Peers in Parliament, which is clearly allowed in the Roll and Petition too, that they were Peers. So alſo in an *Act* of Parliament under the ſame King, *Stat.* 4. *Hen.* 5. *c.* 6. where the Arch-Biſhops and Biſhops are called Peers of the Kingdom. But of the truth of this Mr. *Selden* himſelf ſaith, *That no ſcruple could ever be made till the unhappy Act of the* 17 *Car.* 1641. And how that *Act* was procured we all know, How full of tumults and uproars were thoſe Times? to how great a diſtreſs was Majeſty then brought? How many Repulſes did it meet with? Was it not Paſt to ſerve the preſent Intereſt? and by what ſubtile contrivance was it at laſt carried it is very well known? Have we not reckoned the Date of our late Embroilments and wild Confuſions from this fatal *Apocha*? Under what Miſeries, Violencies, and Rapins hath not our native Country for 20 years time from hence to be reckoned, with ſo much pitty from all true-hearted *Engliſh-men* long laboured and groaned? and the whole Chriſtian-world about us ſtood amazed and agaſht. All the Wealth which the Piety of our Forefathers had been ſo many years in heaping up, all their Priviledges which their prudence had ſo deliberately conferred, being in a few days Paſſion ſwallowed up. Had thoſe good men, the then Biſhops, unadviſedly acted any thing againſt their Prince or Kingdom, could no Perſonal-fine or puniſhment expiate their Crime and fault? muſt the whole Order be raized, and Epiſcopacy it ſelf deſtroyed root and branch? muſt ſo many merits of their worthy Predeceſſors be buryed in the grave of ungrateful Oblivion? It were an eaſy matter to produce a large Catalogue of eminent Prelates, who by their prudent advice have oftentimes prevented Bloodſhed, preſerved Peace, ſaved a ſinking Kingdom and a dying Religion,

many

many good works have they done amongſt us, many Colledges and Schools erected and endowed, many material Churches by their munificence, and living Temples of the Holy Ghoſt built by their Miniſtry; and for which of theſe muſt they now be thus dealt withal? thus disfranchiſed? That they who heretoſore carried the principal ſtroke in all Cabinet Counſels and publick Diets, are acknowledged in ſeveral recorded Statutes of this Kingdom, an high, and one of the greateſt Eſtates of this Kingdom, as particularly 8 *Eliz. c.* 1. that they are Peers of this Realm, 25 *Edw.* 3. *c.* 6. before recited, and 4 *Henr.* 5. *c.* 6. muſt now be debarred thoſe immunities of which our Nation hath ever reaped the greateſt benefit, they muſt be curtailde in, or excluded from, what is their juſt right, to Vote as Peers in the higher Houſe of Parliament, certainly 'tis now high time, if ever, for men to relent of their mercileſs cruelty to to learned Induſtry; the crafty *Jeſuite*, who is now at our Doors, thinks his day is coming, this will make him keep a *Jubile*, to ſee *England* fall again by her own hands. How much ground hath he got by debaſing and pouring contempt on our *Engliſh* Clergy, (of all the World) whom he moſt dreaded? Let us but enquire of other Nations, our Neighbours, and they will tell us, *That the* Engliſh *Divine is the terrour of the* Papal-*world, and that they have wrote more, and better, againſt* Rome, *than all the World beſides.* We ought not to take pleaſure in upbraiding an ungrateful Nation: But is this the reward of their unwearied pains, inceſſant ſtudies, early riſing and late watching, beating their brains, waſting their bodies, and contracting incurable diſeaſes, neglecting their families, relations, and accquaintance for the glory of God and good of their Countrey? Muſt they onely have diſcouragements heaped upon them, bread and water, and raggs (if ſome men had their will) thought to good for them? Muſt another Profeſſion, of which a Forreiner, by way of diſdain, ſaid, *Cauſidici Angli gens indoctiſſima ultra Doroberniam nihil ſapiunt?* Muſt they get honour, riches and preferments without the regret and frowns of any, nay more in 60 years laſt paſt than Divinity in 600 preceding, and if the matter was not invidious I could eaſily make appear: 'twas an old ſaying, *Nulli ſua pietas debet eſſe damnoſa*, in earneſt, This is not for the honour of the Goſpel, neither doth it become the Reformation. Of late years ſome of the *Long Robe*, no wellwiſhers to the Church, whoſe names I forbear, have ſtarted a very unhappy and deſtructive notion, and not over beneficial to the *Engliſh Scepter*; and there yet want not thoſe who with much induſtry keep this notion up, that the three Eſtates of this Nation conſiſt of King, Lords and Commons, which how far it may countenance former actings and endanger future diſturbances, I humbly ſubmit to the prudence of thoſe who ſit at the Helm, and are much better able to determine than my ſelf; But the conſequences of that opinion ſeem directly to aim at the Levelling of Sovereignty, and making it accountable to the other two in their eſteem Coordinate Eſtates. Now by reſtoring the Spiritualty the only true third Eſtate to its due Rights and antient Priviledges, for that it is the true third Eſtate, the Lord Chief Juſtice *Cook* ſaith in the Fourth of his *Inſtitutes* and the Act of Parliament of the 8 of *Eliz. c.* 1. ſpeaks to the ſame thing, this may be the moſt ready and moſt natural expedient to remove that deſtructive and dangerous opinion out of the minds of an unlearned and fickle multitude. So may the Crown be ſafe, and the Mitre no longer trampled on. *Et quæ Deus olim conjunxit, nemo hoc ſeqniori ſæculo ſeperet, Faxit hoc Deus qui ſolus potis eſt!*

CHAP.

CHAP. VIII.

Precedents of the Bishops Sitting and Voting in Capital Causes from the Reign of of King Hen. 8. *till the* 29th *of* Eliz.

I shall begin with the Attainder of *Cromwel* Earl of *Essex*, who was attainted in Parliament for Treason, *&c.* the Articles are every extant, and may be seen; the first reading of his Bill, as I find it in the Journal of the Lords House was upon the 17th of *June*, 32. *Hen.* 8th, at which reading were present Fourteen Bishops; who they were you may see in the Journal; at the second reading, which was the 19th of *June* of the said year, 32. *Hen.* 8. were present sixteen Bishops, whose Names, and Sees there you may find; at the third and last reading, were sixteen likewise, *Vid. Journal ut supra*, the Bill it self past the Royal Assent, the 24th of *July* following, when were 14 Bishops present. The next shall be the Attainder of *Tho.* Duke of *Norf.* and *Henry* Earl of *Surry*. 38. *H.* 8. This also was an Attainder in Parliament: The first reading of the Bill against these Noble Lords, was on the 18th of *January*, *Anno Regis supra dicto*, when were present ten Bishops; the second reading, was the day following, when were present nine Bishops: The third and last reading was on the 20th of the same Moneth, when were present thirteen Bishops; the Bill past the Royal Assent, *January* 27th, 38. *Hen.* 8. the Bishops likewise then present. The third instance of *Hen.* D. of Suffolk, which indeed was an Attainder at Common Law, but afterward confirm'd in Parliament. *A.* 1 & 2. *Phil. et Mar.* at the first reading were present 12 Bishops: the Bill was read, 5 *Jan. Anno supradicto*, at the 2d. reading, which was two days after on the 7th of *January* were present eleaven Bishops; and on the next day, the Bill had its last reading in the Lords House, at which were present eleaven Bishops: the Lords Spiritual, were likewise present at the passing of the Bill, which was on the 21 of *Jan.* following; in each of these, the Journal if consulted will satisfie any. The 4th Precedent shall be in *Seymore* the Lord Admiral, who was attainted for Treason, in the 2d. of *Edw.* 6. for that he purposed to destroy the young King, and to translate the Crown unto himself; for which, and other Crimes objected, he suffered Death, on the *Tower-Hill*: at his Attainder were present nineteen Bishops. I might have before added the Case of the Lord *Hungerfords* Attainder in Parliament; who was condemned in Parliament, in the 32. of *Hen.* the 8th. at whose Tryal and Condemnation, were Present no fewer than seaventeen Bishops, *Vid.* Journal of the Lords House; I will only add two more Precedents, and close with them; they are in the Reign of the Peaceable Queen *Elizabeth*, in whose times if ever, the Actings in Parliament were regular, and orderly: the first is, the Case of the Earls of *Northumberland* and *Westmoreland*, for their Rebellion in the North, and endeavour to bring in Popery, at whose Condemnation were present thirteen Bishops, *Vid.* Journal, and lastly that of *Pagets*, in the 29th of the said Queen, at which were ten Bishops, *Vid.* Journal as before: I shall only add one thing more, and that is the Protestation of the Bishops. 11. *R.* 2 where they give the reason why they refused, to be put in some Parliaments, their words *Quia in hoc Parliamento agitur de nonnullis materiis in quibus non licet nobis juxta sacrorum Canonum instituta quomodolibet personaliter interesse*; but they there add a *Salvo* to their right, in the beginning of their Protestation. *Quod ad Archiepiscopum Cantuar. qui pro tempore fuerit, nec non cæteros suos suffraganeos Confratres, Co-episcopos, Abbates et Priores aliosque Prælatos quoscunque Baroniam de Domino Rege tenentes in Parliamento Regis ut Pares præd. personaliter interesse pertinet, ibidemq; de regni negotiis & aliis ibi tractari consuetis cum cæteris dicti regni Paribus & aliis consulere, ordinare, statuere definire ac cætera facere, quæ Parliamenti tempore ibid. intendet facien'*, &c. 'tis true indeed, that as they never intended, but that the Appeals, Pursuites, Accusations, Judgements, had and rendred, *&c.* upon their voluntary absenting themselves; they should be good and valid in the Law, as their Protestation expresly granteth: yet by the same their Protestation, they reserve their right of being present, *&c.* doing every thing else which any other Peer, though *Temporal* might do. And that they did Vote in the 21st of this Kings Reign, by their Proctor in the Condemnation of the Arch-Bishop of *Canterbury* (*Tea and upon the Commons Petition too, for that many judgments had been reversed, for that they were not present as is before proved*) and *Personally* also in the Condemnation of the Earl of *Arundel* and *Wardour*, *&c.* the Duke of *Lancaster* being then Lord High Steward, *Vid. Placit. Coron.* &c. 21 *Ric.* 2. in the Records in the Tower. The Roll marked with the Letters *Fin.* It is well known that out of respect to the constitution made in the Council held at *Westminster*, that no Clergy-man should *agitare Judicium Sanguinis*. (This Council is mentioned in *R. Hovenden in H.* 2. p. 30.) the Clergy have some time forborn to intermeddle in such matters: and on the other side 'tis as notorious, that many of that Order have been Lord Chief Justices of *England*, and that none have discharged that Office better, more to the Content of the King and Subject, and the Benefit of the whole Commonwealth.

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for their dutiful adherence to the best of Kings who ever raign'd in this our Isle. And lastly the embrewing their Violent, Rebellious, and Wicked hands in His most Sacred Blood; a course which the Moral Heathen would Blush to take, to save his Country ready to be Lost and Ruined, and yet these men in a Bad Cause to pretend Conscience and Religion, which heretofore Conquered the Heathen World, not by resisting though they were able and wanted not Numbers to do it, but by their Sufferings; for these Men I say to pretend Conscience and Religion, Clament Melicerta Perisse--Frontem de rebus. *These are the Men I Confess against whom the following Discourse is aim'd: For I very well know that it lies not in the Power or Wit of these, though they gladly would and do flatter themselves perhaps in this their Folly that they may be able to Cajole any Persons of Loyal Hearts or Principles, to take part with, or appear against the Bishops in the present Controversie: No, Gentlemen believe it, you smell too strong, and you are too well known, and I can never believe the contrary, till I see you perswade them to carry in once more their Plate to* Guild-Hall, *for the Carrying on Your Unholy Cause; or to shut up their Shops, as you know who did heretofore, and go with you to Releive* Gloceſter. Atqui parvas spes habet Troja si tales habet.

And so I Refer the Reader to the Perusal of the Book.

THE

THE HONOURS AND RIGHTS OF THE CLERGY *ASSERTED:* And *PRIVILEDGES* of the BISHOPS To VOTE in Capital CASES in Parliament *VINDICATED*, &c.

CHAP. I.

The Honour of the Prieſthood aſſerted by the Law of Nature and Levitical Law; the Immunities thereof under Primitive Chriſtianity. The returns of Gratitude to God for the Bleſſings and Labours of the Miniſters thereof in the Reformation of the Church, in the laſt and preſent Age wherein we Live; together with ſome cloſe Reflections thereupon.

REligion a thing ſo Excellent, (that to be careleſs in it, or neglectful of it, is accounted a great diſreputation and ſhame to any Party or Perſon) hath ever had ſince there were Profeſſors of it, and that is ſo long as there have been men in the World, a ſelect number of Perſons, who have been the Miniſters of it. Theſe men dureing the firſt times, and the Adminiſtration of the Law of Nature, were the Firſt Born, and they both Princes and Prieſts too; ſo that the Adminiſtration of Juſtice, and the Performance of Religious Worſhip we find then to have been linked together in one and the ſame Perſon, *Adam*, *Seth*, *Enoch*, and *Noah*, and other the *Antediluvian* Patriarchs were in their Order and Succeſſion both Kings and Prieſts alſo; as any perſon may be ſatisfied, if he will peruſe thoſe Writers of the *Jewiſh* Antiquities *Philo* and *Joſephus*: Afterwards, when the Law was given by poſitive Precepts to the Sons of men, one of the Twelve Tribes (*viz.*) that of *Levi* had

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the Priesthood annexed to it, together with other great Immunities, Honours and Priviledges, and in the division of the Land of *Canaan* (if Mr. *Seldens* Authority may sway any, *Rev. Hist. Tithes, c.* 2.) they of *Levi* had near three times the Annual Revenue of the largest among them, they had their Places and Voices in their *Sanhedrims* and Councils: yea and Cognizance of *Capital Causes* also, as we may find largely proved by the Learned *Spelman* in his History of Sacriledge; What sense the very Heathens themselves had of the Honours of their Priesthood, it would be very tedious to relate. The Priesthood was not esteemed any shame to him that bore the Scepter and wore the Crown. In *Egypt* as Sr. *John Marsham* in his *Cronic. Canon*, well observes those Ancient Kings after the Flood *Thoth*, or *Mercurius*, *Tosorthrus*, or *Æsculapius*, *Suphis* the Builder of the greatest of the Pyramids were Kings and Divines too. See him at large, *c. ad Sec.* 4. *περὶ συντάξεως*. Nay in the first Ages of the World, the Legislative and Executive Power went along with the Priesthood, *Melchizedeck*, *Abraham*, and *Jacob* after the Flood, as well as the *Antediluvian* Patriarchs were as well Executors as makers of Laws. Let us peruse the Holy Records, and we find *David* a King and a Prophet, his Son *Solomon* the wisest of mortal men, stileing himself by the name of the *Preacher* and valuing himself more upon that name, then upon the score of his other Royal Titles; and in the fullness of time Jesus Christ himself the *King of Kings*, the Eternal Son of God and *Original of all Power* thought it not below him telling us expresly *Luke* 4. 18. That he was sent into the World on no other end than to *Preach the Gospel*. True it is, his Kingdom was not of this World, and he never went about to dispossess either the *Roman* or *Jewish* Governours in *Judæa*; neither did his Disciples ever go about to do any thing like it; yet when the Empire became Christians, the Prudent Piety of the first and most Christian Emperors for the better Encouragement of Religion and Learning, conferred large Immunities and Exemptions upon Church-men, freeing them from Subsidies, Impositions, and sundry services wherewith other of their Subjects were burdened * *Eusebius* and *Zozomen*; record several Priviledges granted by *Constantine*, That those who Minister in Holy Religion be wholly free and exempt from all publick Burthens: And some have very well observed, that during the continuance of the gift of Tongues, extraordinary Learning, and other Miraculous effusions of Gods Holy Spirit upon the Primitive Church, there were no need of the Piety and Charity which subsequent Christian Emperors bestowed upon the Church, the Apostles had no need to study for their Preaching, and therefore had leisure enough to fish and make Tents for a livelihood, whereas ours are forced to pore upon Books, to Meditate, Write, and all hardly sufficient to search out the deep Mysteries which cost Them no Pains, the Spirit supplying the place of all. Therefore to make amends for all these extraordinary qualifications, and abundant measure of Spiritual Graces wherewith they were furnished above us, it hath pleased the Lord of the Harvest in these latter days to raise up Christian Magistrates to assist and encourage his Labourers, and appoint them a more setled and plentifull allowance; yea and honour also, and power together with it, for that Wisdom without these is commonly contemned. Who ever was chosen a Magistrate in our Neighbour State of *Holland*, or here at home? who had not Riches, and therefore Honour to support them, Wisdom in the esteem of the Vulgar is always thought to be accompanied with Riches and Power: So that the pretences of those men who for a Cloak to their Innovations and Sacriledges, vainly vaunt that all things should

Ad. Sec. 1.

Euseb. Eccl. Hist. 10. *c.* 7. *Zozom. l.* 1. *c.* 9.

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be brought back to the Primitive Purity, and the Clergy also to the Apostles Poverty, seem to argue thus much that they are no farther true Gospel Ministers, and the Successors of the Apostles than they are able to work Miracles, and that they though not enabled to it by any Education may be required to work in any of those Callings of which the Apostles were, whose Successors they pretend to be. We read in *Lud. Vives* in his Commentary upon St. *Aust. de Civitate Dei*, That the Priests of *Ceres* [no other than the Mendicants amongst them of *Rome*] were to renounce the World and Riches and Honour too; and therefore that on the day of their Initiation they were to put on a Coat which they never left off till such time as it was so ragged that it would no longer hang to their backs; certainly if Spiritual Persons were left to some mens allowance, this would be their Portion from them to be clad with Poverty, Contempt, and Rags, and their Callings as well as their Necessities would constrain them to *Fast and Pray*. I know some men (particularly *Luther*) amongst our Reformers have sleighted Honours, and that Portion due to their Callings, out of sincere Principles and a good meaning, who have yet lived to Repent their Error, though not able to redress it, when they have seen how much the Church has thereby suffered, and Religion been damnified, Witness *Luther Epist.* p. 131. *Ego per meo stipendio annuo tantum novem antiquas Sexagenas habeo, præter has ne obolus quidem mihi, aut fratribus e Civitate accedit.* A great and noble reward for such matchless deserts, and if so happy an Instrument of *Europes* Reformation, so valiant a Champion, who singly opposed the United Power of *Rome* and Hell, What may the Clergy of our days expect? *viz.* To be devested of their Revenues, Honours and Immunities, because they are the Successors of their Forefathers the Bishops and Reformers in Queen *Marys* days, some of the Principal whereof were publickly Burnt as Martyrs for that Religion which (God be thanked) maugre the Monstrous ingratitude of some, we yet through the Blessing of God enjoy, by the Pains and Labours of their Worthy Successors. Who are the Persons who have to the Eternal Shame and Infamy of *Rome* laid open the Vileness, Wickedness, and Immorality as well as the false Doctrines, Idolatries and Superstitions of that Church? Who are they who have been the Watchmen upon the Wall, that have ever since the Reformation Beaten and Foiled them in their Assaults upon our Church? Was not the Walls thereof Watered, and as it were Cemented with the Blood of *Cranmer*, *Latimer*, *Ridley*, *Hooper*, and others; the Superstructure raised by *Jewel*, *Reynolds* and others, *Sed me reprimo.* And yet now those days through Mercy are over, Must their Successors still be wounded by the hands of their pretended Friends, and receive such hard measure from their Pretended Well-wishers? *This strikes to the very Heart.*

Scilicet,

Hoc Ithacus velit & magno Mercentur Atridæ.

CHAP.

CHAP. II.

The Clergy under the Law and Gospel also, have ingaged in Secular Causes, and the State very happy in this their Administration in the Primitive times of the Gospel proved from the Examples of St. Ambrose, *St.* Austine, &c.

WE all know it was a Political Maxim mentioned by *Josephus* as derived from *Moses*, πρασσέτω μηδὲν ὁ βασιλεὺς δίχα τοῦ ἀρχιερέως καὶ τῶν τῶν γερουσιαστῶν γνώμης. *Philo. in vit. Mos.* The King must ever take the advice of the Priest, *Moses* himself was a Priest as well as a Ruler; and he appointed Priests dureing the *Levitical* Administration to be Overseers of all things, Judges of Controversies, and Punishment of Malefactors, *Joseph. lib. 2. cont. App.* who saw the precept reduced to practice, tells us the thing in fact was so. Who hath not heard that *Ely* and *Samuel* the Lords Priests were at the same time Civil Judges in *Israel*. *Chytræus* makes three Consistories amongst the *Jews*, of all which the Priests were the Principal and Essential Members: (1.) A Triumvirat in every City wherein many matters and lighter Trespasses was decided; these *Grotius* calls *Pedaneos Judices*. (2) The little *Sanhedrim* Consisting of 23, wherein Capital Causes were determined in the Gate of every City. (3.) The Council of State or grand Senate of 70 Elders, which some make to consist of 71, taking in *Moses*; others in 72. Six out of each Tribe, the High Priest being commonly of the Number. Now that the Priests and *Levites* were part of this great *Sanhedrim*, *Causabon* will bear me out; who makes it appear out of their best Authors, *quod hujus Concilii ea fuit institutio ut si fieri possit e Solis Levitis & Sacerdotibus constaret*, That as near as might be, the endeavour was it might consist only of Priests and *Levites*; whence *Josephus* and *Philo* oftentimes under the Title of Priests understand the *Sanhedrim*. Come we down to *David* whose Government was a Pattern to all his Successors, his Reign was peaceable and flowrishing; nor did he want States-men of the most raised abilities for his employments: Yet did not this Wise, this Holy Prince think it inconsistent with the Sacred Function (which yet St. *Austin* tells us in some respects *Operosius Ministerium* than that of the Gospel) to engage *Levites* in his weightiest secular Charges. For we find *Hathaliah* and his Brethren appointed Officers on this side *Jordan*, not only in the business of the Lord, but *in the Service of the King*: And *Jerijah* another in Holy Orders is made Plenipotentiary or Ruler over the *Reubenites*, the *Gadites*, and the half Tribe of *Manassah* in every matter pertaining to God, and in *the affairs of the King likewise*, 1 *Chron.* 26. 30, 32. Nor was he singular in it, but was Imitated by good *Jehosaphat* who made the Priests and the *Levites* Judges of all the Controversies in *Israel*, not excluding *matters of Blood*, 2 *Chron.* 19. 8, 10. Now run over the Catalogue of all the Kings of *Israel* and were any to be paralled with these? I am sure that none went beyond these, none whose Government did more prosper with Righteousness, Justice, and Tranquility. And though under the rest of the Kings we have no express mention of the same practice; yet all things considered, we have more reason to conclude it held than the contrary, for we find *Jehoiada* the Priest chief Counsellour to *Joash*, 2 *King.* 11. And if we look into after times at the *Babylonian* Captivity, the Priests

Exerc. 13. *c.* 5.

Priests command all and possess the Scepter for some Hundred of years, for the *Assamonæan* Race continued absolute Princes till *Pompeys* Conquest, *Joseph. l.* 13. *c.* 9. We may further add that many Civil Causes are by name reserv'd to the *Levical* Cognizance, as the Inquisition for Murther, false Witness, *&c. Deut.* 21. And yet after all, the Preachers of the Gospel do not hence draw arguments that they are chiefly and solely to be intrusted with these great and Important Ministeries, but I do on their behalf averr, and will be ready to prove and maintain, That a fit allowance being made to the difference of Times and Persons; the model prescribed by God himself under this *Levitical* Administration may safely be followed now in some things, and those no Circumstantials also.

But leaving *Moses*, let us come to Christ, and see how matters stood under the Gospel, here though we have no instances of Honours conferr'd by our Saviour upon his Apostles, yet have we Prophesies, that after the publication thereof Kings should become the Nursing Fathers of it, and that the feet of those that brought the glad tydings of Peace should be Beautiful upon the Mountains, which Mr. *Calvin* applyeth the Bounty and Munificence of Princes to the Church, *Isa.* 49. But for the first 300 years, What could rationally be expected from the professed Enemies of Christianity? no other honours than cruel Persecutions whilst the persecuting fury lasted, whilst they were burnt *in usum nocturni luminis*, Tacit. as the Historian hath it. The ordinary sentence was,

Tæda lucebis in illa
Qua stantes ardent & fixo gutture fumant, Juven.

But no sooner was *Gentilism* abolish'd, but we have a new and smiling face of Affairs under the happy Reign of *Constantine* the Churches great Patron, as well as the Clergies Friend. And henceforth the Primitive Piety was not wanting, who thought no Honours or Powers misplaced upon their Spiritual Fathers, for whom they judged nothing too dear. All Histories ring of *Constantines* kindness to his Clergy, by whom the most weighty Affairs of his Empire dureing his time was most happily transacted, and that most of his Successors wrote after his Copy will appear by what follows; for it were very easie to muster a little Army of Fathers engaged in Secular Employments. We read *Zozomen l.* 6. *c.* 32. that *Epiphanius* Bishop of *Cyprus*, a Person of singular vertue, prudence, and piety, πολιτικοῖς ἐμβαλῶν πράγμασι, a man busied in Political matters, *Theodoret* reports *l.* 2. *c.* 30. that one *Jacobus* Bishop of *Nisibis* or the *Mygdonian Antioch* was ἐπίσκοπος πολιοῦχος καὶ στρατηγὸς, Bishop, Governour, and Captain of the same City. In *Baronius*, A. 610. I find that *John Patriarch* of *Alexandria* was accustomed to sit twice a Week and Judge between those that were at variance, and to reconcile them, and once when none came to him, he departed weeping, That all that day he had done no good, but *Sophronius* replyed, That he had more cause of rejoycing than of Weeping; for having brought the City to such good Order, and to so great Peace, that they were more like Angels than men, having no differences left, but were all in friendship and amity. *A rare Example to the Immortal Fame of an Ecclesiastical Judge.* We all remember that Sir *Thomas Moore* commanded it to be scored up as a wonder, That he had once been able to clear the *High Court of Chancery from Suites, and not one cause to remain unheard*: But here we have a Populous City (hardly short of any in our Nation) by the pains of a good Bishop, *without any charge to the Litigants*, reduced to a perfect unity within it self.

But we will pass over such obscure Names, whom it were endless to reckon up and Select only a few, whose eminent Labours have Eternized them to posterity, and begin with St. *Ambrose*, who flourished *A. C.* 378. and to his Conduct and Government was the great City of *Milan* entrusted, so that St. *Austin. Conf. l. 6. c. 7.* Complains that he was a long time kept from access to him *Secludentibus me ab ejus aure atque ore Catervis negotiosorum hominum quorum infirmitatibus serviebat*; He had whole troops of Suiters about him to dispatch their worldly business. The next shall be that great *Affrican* Light St. *Austin*, who *Ep.* 147. hath this passage, *Homines quidem suas saeculares causas apud nos finire capientes, dum iis necessarii fuerimus, sic nos Sanctos & Dei Servos appellant, ut negotia terrae suae peragant aliquando agamus negotia & salutis eorum non de auro, non de argento non de fundis & pecoribus pro quibus rebus quotidè submisso capite salutamur ut dissentiones hominum terminemus.* He saith he was every day sollicited to make up some breaches about Gold, Silver, Land, Cattel, *&c.* And yet where have we found a more Faithfull and Assiduous Preacher and Pastor than this good father? Were any more engaged in contests with Hereticks, or any that left a larger Legacy of his Learned Labours to the Church? I dare challenge any before or since the Churches Reformation, who have done the like, and who will say that the good Father had mispent his time, that had better been laid out in *painfull Preaching* to his flock? Whereas we all know that Preaching is but a very small part of the Ministers Calling, yet of late times it hath been made by some to swallow up the rest of the Ministers Duties as necessary and Essential to his Callings as that can be; and have observed also, that some Ministers themselves, otherwise good men, have been a wanting to themselves and the Church, in complying too much with a sort of men amongst us, whose interest it is to draw all Causes into their own Courts for the support of their own Grandeur and Faculty; whereas otherwise those Suites and Causes might perhaps with little or no charge have been more speedily, yea and satisfactorily determined. Our last instance shall be in *Gregory* the Great, *de Cur. Past.* (with who some close the good Popes) whom we find complaining that *Sub colore Episcopatus ad saeculum retractus sum in quo tantis terrae curis inservio quantis me in vita laica nequaquam deseruisse reminiscor.* He was never in all his Life time so encumbred with Worldly business, as after he came to be a Bishop; but he afterwards adds that, *Etsi cogamur terrenis negotiis intendere, mens tamen nostra saeculari varietate non delectatur, sed tota in unum currit, atque confluit finem.* Though he was forced to do this for the good of his People, yet he took no Pleasure in it, and his mind was taken up with better things, for all agree that these must not be undertaken out of love to them, but Christian Charity and Compassion to the oppressed, *Aug. de Civ. Dei l. 19. c. 19.* Now these Imployments were conferred upon those Fathers not as Bishops but as Subjects more Eminently qualified than others, both by their Prudence, Experience, and Integrity, as well as Humane Learning. But Three there are (in which they did Principally engage) and which may seem most agreeable to their Coat: First, *To be in the Commission of Peace*; and to speak Impartially, Who fitter for such a Work than they, whose business and Calling it is to reconcile those that are at variance: And this was the design of the Ancients, though at first it began in a way of Charity; yet being found profitable, it was upon mature Deliberation by the Christian Emperors confirmed, particularly by *Constantine*, *Zozom. lib.* 1. *c.* 9. who leaves it free to any, ᾧ ἐπιτρέπειν δικάζειν εἶναι βέλτιον τῶν πολιτικῶν ἀρχόντων παρεῖναι. *Valens* and *Valentinian* enlarged it and intrusted them with the Rates of Commodities Sold in the Market,

ket, *Cod. l. 1. de Aud. Ep. tit. 7.* Their Jurisdiction I confess hath been in several ages various, sometimes more sometimes less as the Emperors were more or less favourable to the Church, whoever kept the Soveraignty in their own hands, *Constantine* was the first that passed the Royal Grant in favour of the Clergy, permitting the Cognizance of all Civil matters, even between Laymen to the Episcopal Tribunal if either party did require it, though the other denyed his consent, and their appeal was to be obeyed by the Magistrates whenever made, though the action was already commenced in another Court. *Arcadius* and *Honorius* did a little retrench this unlimitted power, yet still allowing it by the joint consent of both parties, and making the Bishops as it were Referees, *l. si quis ex consensu. de Aud. Episcop.* and their decision to be binding and final without appeal, This Law was after ratified by *Theodosius* and *Justinian l. Aud. Episc. c. eod.* Nay this latter Emperor *Justinian* reposed so much confidence in them, that he made them Overseers of the Secular Judges, *Novel. Const.* 56. This then has been the practise of that pure and Primitive Age, and the greatest Enemies the Church had, could never deny but that the Bishops have had their Tribunals for above these 1300 years Erected by *Constantine*, confirmed by *Arcadius* and *Honorius*, *Theodosius* and *Valentinian*, *&c.* Only some Curiously mince the matter, and allow them power to hear Causes, and to become Referees and Umpires by the consent of both Parties, but yet they will not hear talk of any Coercive Jurisdiction, though as eminent Civil Lawyers as any are, Attribute it to them, and particularly *Accursius* interprets *Audientia Episcopalis*, a term frequent in the Code by *Jurisdictio*; and *Constantine* forbad expressly the greatest Prince in the Empire to revoke what once the Bishops had Decreed, *Euseb, Vit. Const. l. 4. c. 27.* In processe of time the Magistrates having encroached upon, and almost outed the Clergy, *Charlemaine* revives that good old Law of *Constantine*, confirming the same Jurisdiction to all Bishops, repeating the Charter word for word, *Car. Mag. in Capit. l. 6. c. 28.* What the practise was in our own Country of *England* shall God willing be made out in what follows, wherein I doubt not but to give abundant satisfaction of the *Factum* that the Clergy were employed as much as the Laity in the Decision of Secular Causes, so far as we have good Authority and Record in the times of the *Saxons*, and so downwards till our late and unhappy Divisions 1640, *&c.* which God grant may be ever buryed in Oblivion, and that we may never live to see the same again. Secondly, To be of the Privy Council, where frequently Cases of Consciences relating to State-matters may arise: As suppose there be a Consultation about a War or Marriage, the Lawfulness or Unlawfulness thereof, must be judged *in foro Conscientiæ*, and so is the proper Subject of a Divine or Clergyman; and perhaps the thing will not bear so much delay, as to Summons Prelates together for Advice nor Reason of State to be so much published, for want of such Knowing and Religious Counsellours, Princes may often be entangled in unjust Massacres, and rash Wars, and Innocent Blood be spilt, which otherwise might have been prevented: And for prevention whereof the Godly Prudent Princes both of our own and other Nations have ever admitted some spiritual Persons to their Counsel Tables, and Closet Debates. To the good advice of Bishop *Fox* of *Wincheſter* we owe the Union of the two Kingdoms of *England* and *Scotland*; for the other Privy Counsellors advising King *Henry* the 7th to Marry the Eldest of his Daughters to *France*, the more Noble and Rich Kingdom: the old and wise Bishop adviseth his Majesty the contrary, at which the King seeming somewhat surpriz'd, the Bishop gave him

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this as the reaſon of his Opinion, that by Marrying the Elder to *Scotland*, that Kingdom would be brought to *England*, and old Enmities reconciled and for ever buryed: Whereas on the contrary *England* being under *France*, we ſhould have here been ruled by a *French* Lieutenant or Deputy, which the *Engliſh* he doubted would hardly brook, and perhaps our Government and Laws by reaſon of their unagreeableneſs to the *French*, might have been attempted to have been changed into thoſe of *France*, which the *Engliſh* man (his Opinion was) would hardly bear: Whereas thoſe of *Scotland* were not ſo much differing from the Laws and Cuſtomes of *England*, and twas to be hoped the two Nations would better accord together than the *Engliſh* and *French* would. The good event of which Counſel we have ſeen with our own Eyes, and may it long continue. It is recorded of *Conſtantine* that he would not in any wiſe diſpenſe with the abſence of his Biſhops from him, who had he lived in our Prophane age, the Churches Enemies would have ſaid that the good Emperour had been Prieſt-ridden, a well-meaning man but not overwiſe: But the good Emperors joy it was to ſee *His Court to be as it were a Church.* Nay ſo much uſe of theſe Holy men he made, that he made them follow him in his journeys and warlike Expeditions, *Euſeb. de vit. ejus l. 1. c. 35. Idem l. 4. c. 56.* So that we read in *Peter Bleſenſis Ep. 84. ad Alex. 3.* how he proves at large there, That it is not only lawfull but very expedient for Prelates to be in the Courts and Counſels of Princes upon ſuch like important reaſons as thoſe are, and therein excuſes the Biſhops of *Wincheſter*, *Ely*, and *Norwich*.

Thirdly, To be employed in Treaties and Negotiations of Peace and Commerce, and this both the Ancient and Modern practiſe will juſtifie, that none have been more frequently or more ſucceſsfully uſed and employed in ſuch Meſſages than the Ambaſſadours of Chriſt: Solemn Embaſſies cannot be expected before the Magiſtrate embraced the Goſpel. But in the very beginning of the 4th Century we have *Maruthas* Biſhop of *Moſopotamia* ſent Embaſſador from the Emperor of *Rome* to the King of *Perſia*, *Socrat. l. 7. c. 8.* Preſently after *Theodorick* diſpatcht *Epiphanius* Biſhop of *Ticinum* or *Pavia* to *Gunebald* King of the *Burgundians*, *Eunoch. Tiſin. vit. Epiphan.* who at his requeſt releaſed great numbers of poor Chriſtian Captives. Then we have St. *Ambroſe* ſent by *Valentinian* to *Maximus* that commanded the *Britiſh* Armys, to deſire Peace, which he happily effected to the great contentment of his Maſter, *Ambroſ. Ep. 27. l. 5.* where he mentions an other Embaſſy wherein he was imployed. I might add St. *Chryſoſtome* imployed to treat with *Gainas* as *Baronius* informs us. *John* Biſhop of *Rome* commiſſioned by *Theodorick* to *Juſtine* the Emperor, *Niſeph.* with multitudes of others in latter times, whereof if I ſhould give inſtance ſome perhaps would reply upon me that thoſe were times of Popery and Ignorance; yet perhaps of more candid ſimplicity and honeſty than the times wherein we live; and for the Moderns the time would fail me to ſpeak of our own and Neighbour Nations; for this continued the Univerſal practiſe of Chriſtendome *till Sincerity gave place to Hypocriſie*, and that new Definition of an Embaſſadour came up, that he was, *Vir peregre miſſus ad ſpetioſe mentiendum Reipub. cauſa.* A good man ſent abroad to tell ſpecious lies for his Countries ſervice. *Then indeed it was high time for theſe Holy men to reſign up theſe Employments to others whoſe Education and courſe of Life better became them.*

Thus we have ſeen both Ancient and Modern Uſage on the Clergys ſide, the uninterrupted practiſe of the World for above 5000 years before and under the

Law

Law in the pureſt times ſince the Goſpel all ſorts of men both Pagan, *Jewiſh* and Chriſtian, allowing it in their practiſe, and none ever queſtioning it, ſave ſome late, and thoſe few Innovators, who though they have diſclaimed the infallibility of the Church of *Rome*, ſeem to ſtick a little to cloſe to that of *Geneva* or *Scotland*, we have heard the moſt eminent amongſt the Fathers engaged by their Princes in Secular Employments, and if yet ſtill this muſt be an Error, *ſit Anima mea cum patribus*, I dare caſt my Lot on that ſide. 'Tis confeſt 'tis pity that any ſhould be miſled by Authority, but 'tis moſt miſerable not to be moved by Authority.

This then being the *Factum* or uſance as is Evident, let us a little in the next place examine the *Jus* of it, and for any Fanatick to except againſt it, is a ſelf-contradiction, ſince their avowed Principles and dayly Practiſe allow their Teachers to follow any other Calling, either of Camp, Country or City without controul. But it is the rigid Diſciplinarian who takes the moſt Offence at it, and therefore to him we ſhall addreſs our ſelves, and for once ſuppoſe him to be of the little Commonwealth of *Geneva*, and to have the beſt parts, and to be Maſter of the beſt head-piece amongſt them. If the Senate or Syndit ſhould commiſſion him to decide a difference between his quarrelling Neighbours, or ſend to him to adviſe with him about a War with their great Enemy the Duke of *Savoy*, or engage him to Solicite at the Court of *France*, or at the *Suiſſe Cantons* as a Publick Agent, there being none more likely to prevail in ſuch an Embaſſie than himſelf; and the little Commonwealth otherwiſe would be in danger to be loſt. In this caſe ſhould he be heard pleading the inconſiſtency of his Holy Profeſſion with ſuch an imployment, and thereupon return a denyal; if ſo, then the Magiſtrate will be an ill condition, who muſt be obeyed in nothing more than the others Calling enjoins him whether commanded or no, and his being a ſpiritual Perſon will make the Civil Magiſtrate looſe the ſervice and uſe of his Subject: A thing yet which the moſt eminent amongſt them have not declined; for that neither Mr. *Calvin* formerly in the one, nor Mr. *Henderſon* of later times in the other, have not ſcrupled greater matters.

But let matters be made never ſo clear, it may be feared that the Vulgar have taken up ſuch prejudices from the inexcuſeable buſineſs of ſome late Preachers here amongſt us intereſting their very Pulpits in State matters dureing our late Troubles (a practiſe never ſufficiently to be condemn'd) that all perhaps may be bound to their good Behaviour for a while for the Miſcarriages of theſe men, who have been ſo notoriouſly guilty of the ſuppoſed crime, they have been guilty of in their Preaching againſt it, and chargeing it upon other men, who never (as they did) engaged in any thing of that nature, but when they were commanded to it by the Magiſtrate: Though 'tis hoped that all learned and judicious Perſons will be more conſiderate, and diſtinguiſh between the frantick madneſs of a few giddy Pates, and the ſober actings of Eminent Prelates commiſſion'd by lawfull Authority, and not take an advantage from the miſcarriages of this other ſort of men to bring an irreparable injury on Poſterity by debarring others more ſober than they. It is a true ſaying and confirmed by the experience of many hundred of years. *Laici ſunt ſemper inimici Clero.* When the World was *Pagan*, the Devil taught the multitude to cry out if any publick Calamity hapens, that the Chriſtians were in the fault, and they muſt to the Lyons: but now the cunning Sophiſter hath changed his note, and if any thing be amiſs either in Church or State, preſently the blame muſt be caſt upon the Clergy; They muſt be Sa-

crificed to appease the many-headed Multitude, their Lands Sequestred or Sold, and all places of Honour and Trust interdicted them; certain we are, the qualifications of a Bishops Calling do not in the least incapacitate him such employments as we have been speaking of. For (1.) 'tis required that he be *Vitæ Probatissimus*, of an upright unblameable Conversation. (2.) *Nullius Criminis reus.* (3.) *Ætate gravis*, well stricken in years. (4.) *Doctrina præstans*, excelling in Learning, with many other of the like nature. Now if these are not kept, they have the more to answer for whom it concerns, if they be observed, will not any one who reads this, conclude no Persons more fit than they for the most weighty Affairs? For all Politicians make Integrity, Prudence, and Learning the Principal ingredients of an accomplisht Magistrate; so that if Aptitude be respected, we may safely affirm there are none better qualified for Counsel than the Clergy, whose Education and Institution hath enabled them to look into all the Ideas and Models of Government; to search the Depths and Mysteries of Empires, most of which are lockt up in strange Languages, and 'tis not every capacity that can gain the Key. Then for true Politicks (the late *Florentine's* Reaches let other men learn and admire) there's as much to be found in the Historical part of the Scripture, as in any Books in the World, so that Divines may in all probability make good Statists. And is it not pitty then that their Countrys should be deprived of such hopefull and eminent abilities? doubtless those of the contrary Opinion do not throughly weigh the consequences of their Assertion, clearly leading to disjoin the Church from being a part of the Commonwealth, which for 1300 years and better have been happily united; if the Bishops and other Spiritual Persons who yet by their Revenue are so considerable in the Commonwealth, must no longer be lookt upon as Citizens, or parts of it, and *eo ipso* be debarred from Employments, but incontinently forfeit all their Priviledges as such, the consequence I presume would not be very good.

CHAP. III.

Some Authorities from Scriptures, and the Canons of the Antient Church seemingly contradicting the former position explained.

AND yet for all this we confess we find many good men are strongly perswaded that Ecclesiasticks ought wholly to be excluded from Civil matters: An Opinion indeed much pretending to Humility and self-denyal, and receiving some countenance and colour from Scriptures, the practise of three first Centuries, and some Canons of Counsel which must be the Subject of our next consideration.

The Text that is most insisted upon is, 2 *Tim.* 2. 4. which being mistranslated by the Vulgar Latine *Militans Deo* begat greater prejudice in the minds of many.

First, Then we may take notice that the Sentence is general, and belongs to every calling and sort of men, though in a more peculiar manner 'tis referred to the Preachers of the Gospel, yet none can plead exemption, but others are willing to slip their necks out of the Collar,, and the Clergy only must be tied to it, whom

for the present we will grant to be principally concern'd. The stress of all lies upon the words πραγματεία βίου which *Theophylact* expounds by θορύβους καὶ ἀχλύσεις the tumults and confusions of this Life, *Corn. a Lapide* saies πραγματεία βίου are such employments as concern food and rayment, and instances in these *agricultura, mercatura & artes mechanicæ*. Now who does not readily approve of this, and judge it very improper that a Preacher should be a Merchant, a Plowman or a Mechanick, do not both Common and Cannon Laws forbid the same? *Estius* has much to the like purpose, πραγματεία βίου, &c. *Quæ quis exercet ut habeat unde vivat*, and therefore quotes to this purpose a saying of *Ambrose*, *Indecorum est homines curare de cibo qui militant Deo*, this then rather flies in the face of them that permit their Preachers to put on Blew Aprons, and make them such sordid allowances, that they must either work with their hands or starve, seeing it is not comely that the Lords Warriours should busie themselves about inferiour matters that tend to get a livelihood, and so *Valla* renders it, not *negotiis* but *negotiationibus*, when our Saviour employed Fishermen to Preach his Gospel, weak instruments to confound the powers of this World, though he furnished them with suitable abilities that they needed not to study, yet he made them leave their nets, and not use them as their ordinary Profession. But lastly, and most satisfactorily, the Apostle here makes a comparison between Prophane and Spiritual Warfare, and therefore the better to understand the genuine sense we must consider what Military Discipline did require, *Veg. l.* 2. says that by the Laws of War he must not have any private affairs committed to him, nor mind his own gain. Hence we read in *Florus* of the *Romans* severely proceeding against *Posthumius* for imploying his Soldiers to till the ground, *Vid. Leg. Arcad. & Honorii Tit. Miles.* And *Leo* the Emperor says expresly, those that are armed and maintained by the Commonwealth must only mind publick affairs, and not till the ground, keep Cattel, or Traffick, *L. Mil. C. de re Militari l.* 12. All avocations were inhibited, and such matters as tended only to the publick good enjoyned them, and why then should not the same Analogy hold here, and such affairs be permitted to the Clergy, as tend to the good of the Church, and the Glory of their great Commander.

Next we are urged by the Apostles practice who were so tender of any interruption that they denied to attend upon tables, and make provision for the Poor. 'Tis true, in the infancy of the Church, when the Gospel was to be published all the World over, the Work great, and the Labourers exceeding few, the least diversion at such a time would prove a considerable hindrance and destraction to them. But now when the Lord of the Harvest has encreast the number, and plentifully furnished his peaceable settled Church, every Village being now supplied, and if the complaints of some be true, the Nation so overstock'd, that there's hardly employment, much less maintenance for the Multitude. In this case to make no difference of times, when the mercifull Providence of God hath made so vast a distinction seems little agreeable to reason. But if from this, occasion must be taken presently to forbid every petty interruption and disturbance; how came St. *Paul* to contradict himself, and to follow his Tent making, labouring with his hands for a livelihood, which must needs take up a good part of his time, and hinder his Praying and Preaching. Add to this, that the seven Deacons appointed by the Apostles to succeed them in the care of the Collections, were according to *Epiphanius* of the number of the 70 Disciples, and yet for the publick benefit, their constant Preaching was now and then dispenced with to attend on Tables.

Thirdly,

Thirdly, They argue from the Canons of the Primitive Church, prohibiting Clergy men to judge and intermeddle in Civil Matters, or any Causes Secular; the Prohibitions of this sort are many and various, they may be seen in *Balsamon*, *Zonarus*, *Binius*, &c. It would be an infinite task to give particular answers to each Canon, and therefore I shall lay down some general Rules, which may the better conduce to the understanding of them all, which if well applyed will make an abundant solution to that so complicated an Objection.

And here I cannot but admire the Modesty of the Primitive Church, and the Charity of the People; the earnestnes of Princes in Commissioning of Spiritual Persons to compose all emergent differences, and the forwardnes of the oppressed in flying to the Tribunals for Justice, whereupon the Holy Fathers in process of time to take off their Clergy from those Affairs made sundry and severe Canons in divers Counsels, and therefore (1.) 'Tis clear, the great design was to forbid ambitious seeking after, and voluntary engageing in Secular matters for Sordid ends, and out of Covetous Principles, and this may probably be collected, because we find a dispensation given when imposed by the supreme Magistrate. In the Counsel of *Sardis* tis granted upon the motion of *Osius*, *Si religiosi imparatoris literis vel invitati vel vocati fuerint*, and undertaken in obedience as causes of Piety and Charity, overseeing Widdows and Orphans, provided it extended not to the notorious neglect of their Religious Callings. And thus *Justin Martyr* calls the Bishop the great Steward of all the poor, *Apol.* 2. the Contributions of the Faithfull being laid down at his feet, and by him distributed. And *Ignatius Ep. ad Polycarp.* calls the Bishop the great Trustee of the Widdows. (2) 'Tis not a total prohibition, but only a prudent restraint, least animosities and jealousies should arise in the Laity, by too much encroaching upon their Courts, and therefore the wisdom of sundry Counsels confin'd the Clergy to such matters as were properly of Ecclesiastical Cognizance.

But (3.) The ground and reason of these interdictions was not the unfitnes and incapacity of spiritual Persons, but out of respect to their eminent Callings, least they should be disparaged by mean and vile employments, and expres mention is made of sordid Offices about Princes and Noble men, as of Stewards, Bailiffs, &c. But when by the favour of Princes their employments were honourable, and their temporary diversions did bring abundant recompence to the Church; we find those that had the principal hand in enacting these Canons themselves engageing. Now can it be supposed, if this had been the meaning, they would have been guilty of so great a contradiction, and no future Counsel reprove it. St. *Cyprian* much confirms me in this Opinion, *l. de Lapsis*, is perswaded that God sent the great Persecution under *Decius* onely to awaken the Christians, who were growing exceeding corrupt, especially the Clergy; for he there complains that the Bishops themselves abandoned their holy Functions, and dealt in matters of the World, haunting Marts and Fairs for filthy lucre sake. And much to same purpose we find in Writers of our own Country, as *Gildas*, *Bede*, &c. But to make peace between quarrelling Nations, to compound differences amongst Christians, and such like, tending to the honour of God and the Glory of the Gospel, which may be often practised without detriment to their Spiritual charges, I never find these expresly forbidden, or such as engaged in them, as *Cyprian*, *Austin*, *Chrysostom*, *Gregory*, *Bernard*, &c. Condemned; for St. *Paul* became all things to all men to gain a Soul: Will not the example bear his Successors out, if they go to the utmost verge of their Christian Liberty, still keeping

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on this side sin, to preserve Kingdoms, the Churches Peace, and to prevent the effusion of Christian Blood, their absence some days from their private charges will be abundantly recompenced by such happy consequences.

CHAP. IV.

The Ancient Estate of the Clergy and Priests in this and other Kingdoms.

WE have before intimated that the Prudent Piety of the first Christian Emperours, for the better Encouragement of Religion and Learning did confer many and great Priviledges and exemptions upon their Clergy in those Primitive times. Come we now to manifest that the *Franchises* of our *British* Church, were neither short for number or extent, and that they are all confirmed by *Magna Charta* without restraint, the words are *we have granted* to God, and by this our present Charter confirmed and for our Heirs for ever, that the Church of *England* shall be free, and have all her whole Rights and Liberties inviolable, all the Nation being content to stand accursed, if this grant were at any time infringed. You may see in Ancient Authors the manner of its Publication (*viz.*) The King, Prelates, and Peers, *&c.* came with burning Tapers in their hands, throwing them down on the ground, and saying, so let his light be extinguished in the other World, which shall go about to break this Charter and Agreement, yea more if any thing should be done against it and contrary to it, it was *ipso facto* declared void, 26. *Edw.* 1. *c.* 2. And must *Magna Charta* be violated only when the Clergys Priviledges are invaded, Why shall it not stand firm and good for them, and on their behalfs, as for the Laity? Did not the Clergy labour as much as any for the Procurement of it? Nay were they not they who procured it from the several and respective Kings? Let us desire the Enemies of the Clergy to see their own Cronicles, and they shall receive satisfaction. Now what the Liberties of the Church were, to set them down would ask a Volume; the Lord Chief Justice *Cooke* says expresly, they had more and greater than other of the Kings Subjects, some few he recites, as that they were discharged from Purveyances, Tolls, Customs, Distresses by the Sheriff in the old inheritance of the Church, with others of the like nature. It might fetch tears from some to look back upon the Piety and Charity of our *Saxon* Ancestors who in their greatest impositions ever held their Ecclesiasticks excused, no part of that insupportable Tax of *Danegelt*, under which the Kingdom so much groaned, being ever paid by them, *Vid. Spelm. Gloss. in Danegelt.* and it may be made appear that till after the Conquest (the tenure of their Lands being at that time *Frank Almoigne*) they were ever priviledged. For King *Ethelwolf* in a full Convention of his States at *Winchester*, *Ann. Dom.* 858. Enacted that Tithes and Church Lands throughout all his Dominions should be free from Civil Burdens and Exactions, as much as Royal Tributes great and small, *Vid. Spelm. Concil. ad Annum dictum.* But dureing our late intestine Wars, How unequal were Quarterings and Contributions? What heavy Burthens did the poor Clergy bear, no redress being found to their bittereſt complaints from the Lay Judges, who in some places made sport at their Miseries and Oppressions, as if nothing had been too hard or insupportable for their shoulders; now those days through Mercy are over, and must be forgotten, to receive almost in all places the same hard measure from their pretended well-

wiſhers, *This ſtrikes to the very heart.* When no regard is had of all their paſt ſufferings; Firſt-fruits, Tenths, (no ſmall ſtanding revenue of the Crown, amounting as ſome compute to near 40000 *l. per annum*) which they joyfully diſcharge, but they muſt ſtill be left to the arbitrary diſproportionate Impoſitions of every Domineering inſolent Officer: The conſideration hereof hath convinced many (formerly of a different perſwaſion) that 'tis not only uſefull but expedient, yea neceſſary for the Church, to have ſome of his own Ordering Power to protect them, and to hear and redreſs their juſt grievances. But what further concerns the Clergys Priviledges and juſt Rights, being ſo learnedly handled by the Immortal *Spelman*, aud the general ones ſo fully Collected by *Rebuffus de Stud. Priv.* and others, I ſhall not here any further enlarge upon them. The grand concern at preſent, and which we principally deſign is, how far they were Privileged as to publick Aſſemblies and State Conſultations. And that the Holy *Conſtantine*, and many other famous Kings and Emperours have made uſe of their advice both at Home and Abroad, employed them in Embaſſies and other important Tranſactions hath been already demonſtrated. And here in the firſt place, if ſuch an argument could hope to ſway with us Chriſtians, it would ſoon be proved that thoſe who attended the Worſhip of the Heathen gods were admitted in *Greece*, the then moſt knowing and civilized part of the World, into their *Pan-Ætolium* and *Amphyctionian* Counſels. Amongſt the *Athenian Areopagites* and *Roman* Senators, and that the Old *Gauls* divided their ſtates in *Druidas* (who had *omnium rerum immunitatem*) *Equites*, *Plebem*, as the *Egyptians* before did into Prieſts, Soldiers and Tradeſmen. But leaving *Gentiliſme* we will haſten to Chriſtendome: And here once for all, deſire our Reader to conſider, that by the fundamental Conſtitutions of the moſt and beſt ſettled Nations in *Europe*, there are three States generally ſettled whereof the Clergy is ever one: Now to make this good, though we might produce variety of inſtances, yet we ſhall content our ſelves with the ſingle Teſtimony of *Calvin* alone, knowing that it will go farther with ſome, than a Jury of others, This we find expreſly aſſerted in his Inſtitutions, *l.* 4. *c.* 20. *Sect.* 31. *In ſingulis regnis tres ſunt ordines*, &c. which how to make up without the Spiritualty will be hard and beyond my skill. In our Neighbour Nation of *France* the practiſe is notoriouſly known, the ancient ſtile of the Royal Edicts always running, as 'tis Recorded of *Pepin*, *Ann.* 744. *Per Conſilium Sacerdotum & Optimatum ordinavimus*, *Per Conſilium Sacerdotum & optimatum ordinavit Carolomanus*, *Thuanus paſſim*. It might farther be noted that ſix Prelates are here Pairee of that great and famous Kingdom, three of them being ſtiled Dukes, and three Counts, See *Seldens Titles of Honours*, and yet the whole number of the Pairee exceeds not Twelve. As likewiſe the Arch Biſhop of *Paris* hath a peculiar indulgence in being preſent in every Court of that Royal City without exception *Chappinus*. Look we into *Hungary* where *Thwroczius* informs us that by the Fundamental Conſtitutions of King *Stephen*, the Biſhops in *Concilio Regis primi adſiſtunt*. *Poland* comes behind none in its Reverence and Reſpect for their Clergy, where the Arch Biſhop of *Gneſna* is *Primas Regni & Princeps primus*, *Staniſ. Kriſtanowick in diſcrip. Polon.* whoſe juriſdiction is not limited to the Spirituality alone, but hath the chief place in the Rank of the Senators aſſigned him, and is of the greateſt Authority in all publick Conſultations: And when at any time there happens an *Interregnum* (as it frequently doth in thoſe Elective Kingdoms) it belongs to him to ſummon a Dyet to give Audience to Forreign Embaſſadours, and to appoint a time and place for the Election of a New King. Our Author farther enlargeth this to have proceeded from the Piety

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of the *Poliſh* Kings towards the Church, that the Sons of it ſhould for ever hold the higheſt places in their Conventions, with many other Priviledges which to this day they enjoy in his own words, [*and he no Clergyman neither, but a Lawyer*] *Maximo illius Regni commodo, emolumento, adjumento, addo & ornamento.* *Cromerus* another Hiſtorian of that Country adds, that there is ever a Royal ſtanding Council aſſigned the King, of which there is to be two Arch Biſhops, and ſeven Biſhops. And how conſiderable a number in all the *German* Dyets the Eccleſiaſticks are *Panvinius* is a Witneſs beyond exception, who reckons thirty four Biſhops that have their Votes there beſides Abbots, Priors, *&c.* who paſs for Religious Perſons, and in the *Septemvirate* we find no leſs than three Clergy-men, *Mentz* Arch Chancellour of *Germany*, *Coln* of *France*, and *Triers* of *Italy*. I ſhall wholly out of this Collection omit *Spain* and *Italy*, as being ſuch known vaſſals to the Pope, where the Clergy Rule the Roaſt. But one word daſhes all this [with ſome] *They are Papiſts*, a doughty argument to condemn any thing though backed by never ſo ſtrong reaſons: And let us examine how matters ſtand with others, *Andreas Bureus* in his Deſcription of *Sueden*, acknowledges that the Eccleſiaſticks were heretofore the *Prime men in the Senate*, till the Covetouſneſs of *Guſtavus* the firſt deſpoiled them of their Revenues: Yet ſince the Reformation, they ſtill to this day retain their ſuffrages in all Publick Dyets of the Kingdom. And when the New Crowned King makes choice of his Counſellors, the Arch Biſhop of *Upſal* is ſtill the firſt, who is allowed a greater proportion of Attendants, when he comes to the King than any Noble man in the Nation, no fewer than Forty Horſe being permitted him; whereas the retinue of the other Noble men muſt not exceed Thirty. And in the great Aſſembly at *Lincopen*, *Ann.* 1600. we find both Biſhops and other Eccleſiaſticks. And as to *Denmark*, *Pontanus* recites Seven Biſhops as the Eccleſiaſtical Nobility, and theſe have their Votes in all Grand Meetings. *Jonas ab Elvervelt* diſtributes the States of *Holſtein* into three Orders, 1. King and Princes. 2. Prelates. 3. The Families of the Nobles. And he makes the Biſhops of *Lubeck* and *Slewick* the two *Prime* Peers in all their Dyets. In *Scotland* it is known that anciently the Biſhops and Prelates were Eſſential Members of the Parliament, and had their Seats as ours here in *England* on the Right hand of the King: And in a Parliament held at *Edenborough*, *Ann.* 1597. a Vote paſſed for reſtoring the Clergy to their Original Priviledges, as the Third Eſtate in that Kingdom; the Learned Prince King *James* Condemning that Act of Annexing their Temporalities to the Crown as Vile and Pernitious, *Baſil. Dor. l.* 2. *p.* 43? Then for *Geneva* it ſelf, who is ſo much a ſtranger to that Reformation, as to be ignorant what a ſtroke *Calvin* and others had upon the Senate or grand Counſel, which gave occaſion to that complaint of ſome, that they had expelled *One Biſhop and admitted many*. If remoter Countries be to be regarded, amongſt the *Abiſſines* the Clergy is *Paramount* in Affairs of all natures, and we read in *Damianus a Goes* of *Zaga Zaba* an *Ethiopian* Biſhop Viceroy of *Begame* ſent Embaſſadour to the King of *Portugal*, *Dreſſ. Orat.* In *Muſcovy* their ſupreme Convention, which thoſe Inhabitants call *Zabore*, conſiſts of the great Duke, Twenty Eccleſiaſticks, and as many Nobles, the common People being wholly excluded; and when they are met together, the Patriarch and Eccleſiaſticks are always firſt Conſulted, and firſt deliver their Opinion. I ſhall conclude this Paragraph, onely reminding, that neither the *Pagans* nor *Mahometans* are ſo inhumane or irreligious, or diſcourteous to their Prieſts as to deny them this Liberty: For that *Tully* acquaints us that it was the appointment of the Gods, that the *Roman Pontifices* ſhould not only take care of their Religion, but

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further *Summis Reipub. præesse voluerunt, Orat. pro dom. sua.* Nay at this very day the Barbarous *Turks* never exclude their *Mufti*, but allow him free entrance, and Vote into all their Divans and Counsels; yea the great *Sultan* himself so Honours the *Mufti*, that as often as he comes into his Presence, he rises from his Seat, and according to *their mode*, putting his hand to his breast, bows his head in token of reverence and Honour, which he shews not to any other Subject, and will hardly vouchsafe the like honours to the mightiest Monarch upon Earth.

CHAP. V.

Englands *more particular Respect and Kindness to the Clergy.*

I Might here be very large should I but give the World a brief account of the Honour which our *Saxon* Kings had for their Clergy, neither was this a matter onely precarious, and by the *Courtesie* (as we say) of *England*, *Sed ipsis confirmatum legibus*, *Spelm. Concil. Ep. ad Regem.* The Person who Ministred at the Altar was esteemed equal in all things *in censu pariter Capitis*, to the Lord of the Mannour or any Knight, *Leg. Æthel. c. ult. de Wirgildis.* The Abbot was esteemed no less than a greater *Thane* which now we call a Baron of the Kingdom. The Bishop of no inferiour Rank than the Count or Earl, *Qui integro fruebantur comitatu.* The Arch Bishop equal to any Duke, who might happen to be set over, and have the Rule of many Countries; for that saith the Learned *Spelman*, in these times our Kings gave always the greatest respect and honour to their Clergy; for that in their keeping were the Keys of Learning and Knowledge, the Seculars in the mean time addicting themselves most what to the Wars, so that in those times it came to pass that the Priests mouth was the Oracle of our Common People no less than of the King and Commonwealth; for that they had ever the first Place in our Commitia's and Assemblies, no less than in the Kings Courts of Justice, and Law Tribunals in the Kings Palace with the Nobles of his Kingdom in the Counties with the Comittees and Justices of the Counties, in the Sheriffs Courts [*turno Vicecomites*] together with the Sheriffs, the Bishops had their Adsessors, yea in the Hundred Courts, they or their Ministers sate together, with the Lord of the *Hundred*: so that one sword was ever helpfull to the other in the Administration of Justice, and nothing of moment was done in these Courts of Judgment, but by their advice and assistance, *Spelm. l. prius citat.* The practice of the Kingdom ran parallel with the Law; for in all Antient Charters and Laws which heretofore were passed and made by signing their names *cum signo crucis*, the Spiritual Lords ever preceeded the Temporal. In a donation of *Ethelbert*, *A.D.* 605. to the Monastery of St. *Peter* in *Canterbury*, the first witness subscribing it, is *Austin* the Bishop, and after him several Dukes and Earls, *Monast. Angl.* & *Spelm. Conc. passim.* In a Charter of King *Inas*, *Ann. Dom.* 725. To the Monastery of *Glassenbury*, after the Bishops, *Boorthwald* and *Fordred*, occur *Waldhere*, *Ethelherd*, *Ummin* and *Winchelin*, the greatest Peers in the Nation putting their Names. Not long after in a Grant of King *Offus* to the Abby of *Worcester*, *Ann. Dom.* 708. *Brotdran*, *Berthand*, *Eadbald*, and *Eadbald*, two Princes, and two Dukes, follows the Bishops. And at the same Kings Consecration at St. *Albans*, *Ann.* 793. No less than 10 Dukes, besides other

other Nobles give place to the Prelates. And to make an end, in a Charter of King *Edward* the Confeſſor to the Monaſtery of *Wincheſter*; immediately after the King ſubſcribed *Plegmund* and *Fritheſtan* the Biſhops, being followed by *Ethelward* the Kings Brother, *Æthelſtan*, *Ælfweard* the Kings two Sons, *Oredluf*, *Orced*, *Brorhtulf* and *Heerferth* Dukes, many more of this nature might be produced out of the ſame Authors, and others, as ſtanding monuments of the Clergies Reputation, and the Reverence our Religious Anceſtors bare to their Functions, particularly the third Charter of King *Edward* the Confeſſor of the Foundation of the Abby of *Weſtminſter*, where more particularly we find *Oſberne* and *Peter* two of the ſaid Kings Chaplains, ſigning the Charter before ſeveral of the Earls. And furthermore, here is Statute Law in the Caſe that this uſage may not be thought to proceed meerly from the Curteſie of *England*, 'tis confirm'd by the Statute of the 31 *Hen.* 8. *c.* 10. Wherein all degrees and offices are placed in Aſſemblies and Conferences, and there the Arch Biſhop of *Canterbury* as *primus Par regni* the firſt Peer of the Kingdom is ranked before all the Nobility, and Seated at the Kings right hand, next and immediately after the Royal Blood, and the Vicegerent, and the reſt of the Biſhops follow him in their due precedency, according to the Dignities and Aunciencies of their reſpective Sees. See farther, the Statute of 8. of *Eliz.* *c.* 1. where in that Statute they are called an high, and one of the greateſt Eſtates of the Kingdom, nor were they ever excluded from the greateſt Employments of Honours and Truſt in the Kingdom, and to evidence, that this is not ſpoke without Book, we will ſubjoin a Catalogue of Churchmen Collected out of *Godwin*, *Malmesbury*, *Spelman*, *Dugdale*, and others, *&c.* that have born all, at leaſt the moſt honourable Offices of State, and (how ever beſpatter'd by ſome) diſcharged them with much integrity and repute; *England* owing more of its happineſs to men of this Calling than any other, though it cannot be denyed but ſome miſcarriages might be here and there found, and yet as few as can be expected in ſuch a Multitude: and if a man were diſpoſed to find fault, he might without much pains takeing two for one in Critically examining any other Profeſſion. Let us begin then with *Englands* Metropolitan, to whom this Primacy juſtly appertains, and take the reſt in Order, onely premiſing this, that tis true indeed we find fewer of this See upon the Civil Stage than any other, moſt Offices being lookt upon as below the Archiepiſcopal Dignity, and therefore a Nobleman upbraided *Hurbert* Arch Biſhop 1199. when he was made Chancellour of *England*, Chief Juſtice of *England*, and high Governour of all the Dominions under King *Richard* the firſt, however we ſhall begin with his Perſon and See.

Canterbury.

Hubert under *Richard* 1. and King *John*, who intruſted the ſame Prelate with the Government of the whole Realm at his departure into *Normandy*. *Gualter*, *Reynolds* Chancellour, *Ann. Dom.* 1310. *John Stratford* Chancellour under *Edw.* 3. And when the King Invaded *France*, no Perſon thought ſo fit in his abſence to have the Government of the Nation entruſted to him. *Simon Iſlip* of the Privy Counſel to the *Edw.* 3. *John Stafford* to *Hen.* 5. *John Morton* to *Hen.* 6. and *Edw.* 4. But we need not ſtand upon this, when in truth it hath been ſeldom known that any of them have been at any time omitted: Nor was this proper only to the times of Popery: Come to the Reformation, we find Arch Biſhop *Cranmer*